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Current Topics.

The Reform of the House of Lords.

IN VIEW of the statement made by the Prime Minister in Parliament last week that the Reform of the House of Lords is to be a Government measure next session, it is interesting to notice the article by Lord BRYCE on the Functions and Rights of a Second Chamber which appeared in the new *Westminster Gazette* of last Wednesday. He points out how prevalent is the institution of a Second Chamber; in nearly every country, except Greece, Bulgaria and Serbia and some of the Canadian Provinces—"Every State in the American Union, every State in the Australian Commonwealth has two Chambers." The motive for this is well known—the desire to safeguard the people against the hasty or imprudent act of a single ruling assembly. And we may quote the conclusion of the article:—

"A Second Chamber is needed not merely as a brake to slow down the pace when the car is running too fast down a hill, nor even as an outrigger to save the boat from capsizing, but as a part of the mechanism of the legislative department of government which will enable the whole machine to work more smoothly and effectively."

The Second Chamber Conference.

IT WILL be remembered that Lord BRYCE was Chairman of the Second Chamber Conference which was appointed by the Prime Minister in August, 1917, and the conclusions of the Conference were communicated by him in a letter to the Prime Minister of April, 1918 [Cd. 9038]. The desire of the Conference was to preserve as far as might be a continuity between the ancient House of Lords and the new Second Chamber, but the main consideration was that the Second Chamber "should aim at ascertaining the mind and views of the nation as a whole, and should recognise its full responsibility to the people, not setting itself to oppose the people's will, but only to comprehend and give effect to that will when adequately expressed." Of course there is no one so competent as Lord BRYCE to talk about democracy and the will of the people, and he would be the first to admit that, except on straight issues of primary importance, the existence of anything which can be called the people's will

is a doubtful proposition. But that idea we need not elaborate. The plan for the constitution of the Second Chamber, selected by a majority of the Conference out of many, was to have 246 members—or an additional 27, if representatives of Ireland were included—elected by panels of Members of the House of Commons grouped according to geographical areas, and some eighty-one (to be reduced gradually to thirty) to be chosen from the existing Peers by a Joint Standing Committee of both Houses. No doubt a good deal will be heard next session about this and other plans of selection.

The Limits of the Functions of the Public Trustee.

THE LAST annual report of the Public Trustee, as we noticed when it was issued (65 SOL. J., 744), revealed a deficiency on the year's working of £114,890, but in mitigation of this it was pointed out that, if the increased rate of fees had been in force throughout the year, the deficiency would have been reduced to some £60,000. It will be remembered that the office of the Public Trustee was the subject of inquiry in 1919 by a committee appointed by the Lord Chancellor, of which Sir GEORGE MURRAY was chairman, and which included Mr. SAMUEL GARRETT. Mr. GARRETT made a dissenting report, in which he criticised the principles on which the office is carried on, and he has now, in a letter to the *Times* of the 15th inst., pointed the moral of the deficiency. The Final Report of the Committee [Cmd. 422] was issued at the end of 1919, and the divergence of view between the majority and Mr. GARRETT lay in the extent to which expert legal and other assistance in the management of trusts should be supplied within or without the Office. The understanding on this point which was arrived at on the passing of the Public Trustee Act, 1906, is embodied in s. 11 (2). It is, in short, that the Public Trustee may, for the purposes of any trust, employ such solicitors, bankers, accountants, brokers, and other persons as he may consider necessary, and in so doing he is to have regard to the interests of the trust, but subject to this he is, whenever practicable, to take into consideration the wishes of the creator of the trust and of the beneficiaries, either expressed or implied by the practice of the creator of the trust or in its previous management. In other words, the Public Trustee is to employ the family solicitor, broker, &c.

The Committee of 1919 on the Public Trustee's Office.

THE QUESTION that arose before the Committee was whether, in view of this provision, the Public Trustee was entitled so to organise his office as to supply by means of officials the expert assistance which is required in the management of trusts. In fact, the Committee found that he had done so, one result of the policy being that the cost of administration had tended to exceed the estimates originally framed, but the majority were of opinion that the course he had adopted was right. "The public naturally expect, and we think are entitled to receive from a public department, advice and assistance superior to that which can ordinarily be given by a private trustee." On this Mr. GARRETT joined issue. He found nothing in the Act or Rules to indicate any intention on the part of the Legislature that the Public Trustee through his officers should supply, at the expense of the public funds, the technical advice and assistance needed for the conduct of the affairs of a trust. On the other hand, he found in s. 11, referred to above, and in the provision of s. 9 (2) that trust expenses should be paid by the Public Trustee out of the trust property as if he were a private trustee, a very clear indication that the Public Trustee was to act in the conduct of the trust affairs just as a private trustee, and, if professional assistance and advice were required, he was to resort to outside experts in the same manner as a private trustee would do. While, therefore, Mr. GARRETT agreed with the majority in their recognition of the public utility of the department, he would have reduced its expenses by cutting off extraneous branches, and so confined the Office practically to the functions which a private trustee exercises personally. This he considered would lead to each trust being under single responsible management, and prevent its affairs being the mixed business of a variety of branches.

The Deficit of the Public Trustee's Office and its Moral.

IN THESE bureaucratic days it is not surprising that Mr. GARRETT's protest had little effect, though the majority agreed with him in recommending the abolition of the legal adviser's branch, a step which has recently been taken; but he has now adopted the practical course of emphasizing the growing deficiency in the accounts of the office, and possibly at the present time criticism on this ground will receive a hearing when objections to bureaucracy as such would fail. Mr. GARRETT arranges his indictment under heads of which the first is that "the Act of Parliament constituting the office of Public Trustee requires his fees to be so arranged from time to time as to produce an annual sum sufficient to pay his expenses." And he points out that the present deficit has been incurred in spite of the fact that greatly increased fees were applied to two-thirds of the business of the past year. Further, since all fees received during the year, whether on capital or income account, are treated as income, all the old trusts received at rates which are now unremunerative will have to be subsidized out of the new trusts. The conclusions which he draws are that the recommendations of the majority of the Committee of 1919 have proved to be wholly inadequate to meet the situation: "the malady needed the knife, which the majority refused to use"; and that the increase in fees is checking business and new trusts run the risk of further increases, with the result of further checking business, and so on, *ad infinitum*. Mr. GARRETT concludes: "I see no way out of the vicious circle above mentioned except by the action of Parliament, either in curtailing the operations of the Department on the lines indicated in the Minority Report of the Committee, or in granting an annual subvention to meet the deficits which will certainly increase." Behind the question of expense to the public, there is the still more important one of checking the absorption in a public office of work which, more profitably to the State, can be performed by individuals. In saying this we do not overlook the fact that the Public Trustee has recognized to a large extent the duty imposed on him by the statute of employing the family solicitor.

Mr. Justice Darling on the Borstal System.

IN DELIVERING the judgment of the Court of Criminal Appeal in *R. v. Fred Hunter* (Times, 15th inst.), Mr. Justice DARLING made some observations on two matters which are administrative rather than judicial, namely, the benefits of the Borstal System, and the propriety of using Portland Prison as a Borstal Institution. Now, as regards the former, there is general agreement that it is not desirable to send youths of 16 to 21 to ordinary prisons where they will be mixed with adult offenders, many of whom are confirmed law-breakers. The Borstal System provides an excellent substitute: its institutions are separate establishments where the boys receive technical and general education under conditions of severe, but necessary discipline, and are carefully trained so as to render them economically capable of self-support on the completion of their sentence. The latter, too, may be remitted or shortened in the event of exceptionally correct conduct. But the benefits of the Borstal system are largely derived from its "apartness" from the ordinary prison institutions of the country: its governors, instructors, wardens, ought to be specially selected persons who have not the normal attitude of a warden towards a prisoner, but rather that of a *Scots bedellus*, or a schoolmaster to the schoolboy. Now the objection which many persons, not commonly accused of undue sentimentalism, feel towards the use of Portland Prison for the purposes of a Borstal Institution, is based on the fact that it offends against all these requirements. It was once a convict prison, and its associations cannot fail to have a bad effect on the sensitive and receptive minds of boys; no boy who has passed through "Portland" can altogether, in later life, divest his youth of some taint of association with the convict system of his country. Again, the retention of many, or at any rate some, of the old prison warders seems equally unfortunate. No doubt, both steps have been adopted as the result of national necessities to

bring about the utmost economy in the public service; hence a disused prison and surplus warders are naturally adapted for other uses. But the result seems unfortunate and calculated to defeat its ends. One reported case of suicide among the boys, and a series of attempted escapes by others, while they may have been mere coincidences, have rendered the public mind uneasy. This uneasiness is not removed by Mr. SHORTT's refusal to appoint a committee of enquiry. Nor will it be removed by Mr. Justice DARLING's argument that Mr. SHORTT had visited Portland for one day, finding everything all right, and the *menus* such as might well tempt a boy to seek entrance rather than to escape. Official visits of inspection, of course, never reveal defects, however glaring, except by accident. It is to be hoped that the Home Secretary will see his way at the earliest practicable date, to find some other use for a convict prison which, happily, appears to be no longer required for its former inmates.

The Motto of Portland Prison.

NOT LONG ago a learned practitioner, acquainted with Portland Prison, though not in the capacity of an ex-inmate, drew our attention to the Latin motto which at one time adorned the gates of that prison: *Debellare superbos, parcere subjectis*. This old Roman sentiment, borrowed from the pages of Livy, was, perhaps, a not inappropriate motto in the days when Portland Prison succeeded to the system of penal transportation, namely, in or about the year 1851. But the mood of the Early Victorian age, at once sternly evangelical and magnificently classical, is hardly that of the New Era of to-day; and the motto no longer strikes one as a pleasing fancy. It seems, indeed, rather a challenge to the spirit of the convicts, for no man likes to think of himself as being tamed, like a savage or an animal. Fortunately, probably few of the former inmates could read Latin, so that the sting was probably not often felt during the user of the prison as a convict establishment. Whether any of the boys who now go there to undergo Borstal treatment could understand the motto we do not pretend to know, but we believe it has long been removed. At any rate, we trust that the chaplain will not be expected to preach a sermon upon it on Sundays. In these latter days, when the reformation of prisoners is the real aim of the prison system, it is desirable to raise their self-respect and sense of personal dignity; not to lower these any further than is the inevitable result of undergoing punishment.

The Meaning of Force Majeure.

DECISIONS WHICH interpret the doctrine of *force majeure* are usually to be found either in the Commercial Court or upon some branch of the law of nuisance or of negligence. It is, therefore, somewhat of a surprise to find the Divisional Court called upon to construe this ancient doctrine of the common law in the case of a criminal appeal. Yet this actually has happened in *Hackney Borough Council v. Dore* (Times, 15th inst.). This was a case stated by a metropolitan police magistrate who had convicted the appellants, the statutory undertakers for a supply of electricity in the Borough of Hackney. Under provision 24 of the Hackney Electrical Lighting Order, 1893, the statutory undertakers are bound to supply electricity to consumers who have made the demand in the proper statutory way and have complied with the statutory conditions precedent. Here the undertakers, the borough council, had admittedly failed to supply the respondent's premises with the supply of energy to which he was entitled. Their defence was *force majeure*, namely, that apprehension of a trade dispute threatened as the result of differences between trade unionists and others in their employment had compelled them to take steps in anticipation of a stoppage which prevented them giving the supply required at the time desired. The magistrate convicted, because he found as a fact that the dispute had not actually materialised at the time when the supply was demanded; it was only a grave probability. Now the question simply is this, whether the defence of *force majeure* is available when there is merely a reasonable apprehension of

dangers which makes it prudent to commit a breach of the statutory obligation in the general public interest, or only when there has actually been an occurrence which renders the supply impossible. The former rule would apply in the case of a contract. But where a statutory obligation is imposed on an undertaker the magistrate and the Divisional Court who affirmed his conviction both agreed that the duty is imperative. The undertaker must take steps at his peril to secure the due performance of his statutory obligation and cannot plead *force majeure* unless he has been actually prevented by force or threats of violence and the like from performing it. The case, as Mr. Justice DARLING said, is undoubtedly a hard one and, as his lordship put it, "many persons will consider such a rule of law monstrous."

A Technicality of the Criminal Law.

IN *Rez v. Florence Sarah Fisher* (Times, 15th inst.), the Court of Criminal Appeal found themselves compelled to acquit a prisoner under circumstances of extraordinary technicality. It is well known, of course, that there is a fundamental distinction between the crime of "larceny by a trick" and that of "obtaining goods by false pretences"; the essence of the former consists in unlawful asportation of chattels which the owner did not intend to pass to the trickster, whereas in the latter case, the owner did intend to convey them to that person, being deceived by the false pretence. Section 44 (3) of the Larceny Act, 1916, provides that where a person is indicted for larceny, and during the trial it appears that the case is one of false pretences, not larceny, the jury may convict of the "false pretences" instead of the larceny. Now, in the case referred to above, the prisoner was indicted for larceny; but the jury—acting on the statutory provision just mentioned—acquitted her of the larceny and convicted her of obtaining the goods by false pretences. They did so because they were directed by the trial judge that the evidence appeared to show that the owner of the chattels did intend to transfer the property to her as the result of the false pretence; so that the real offence, if she was guilty, must be not larceny but false pretences. On appeal, however, the Court of Criminal Appeal held that the facts, if she were guilty, must amount to larceny, not to false pretences. That being so, they must quash the verdict of "guilty of false pretences." But they could not restore a verdict of "guilty of larceny," because the jury had acquitted her of that by bringing in the alternative verdict. The result is that the appeal was allowed. There was a hole in the Act of Parliament, said Mr. Justice DARLING, but only a very small hole.

Solicitors' Lien for Costs.

PRACTISING SOLICITORS will be interested in *Desson v. Peters, Rushon & Co., Ltd.* (66 S.J. Rep. 14), on solicitors' lien. A partner took proceedings for the dissolution of the partnership, and on 30th May, 1920, obtained the usual order for dissolution and the appointment of a receiver of the partnership assets. On 30th April, 1921, the plaintiff changed his solicitors, but the former solicitors refused to deliver up the papers relating to the action and rejected terms preserving their lien for the unpaid costs of the action; so the plaintiff took out a summons in the action claiming delivery of the papers on certain undertakings of his new solicitor. The latter undertook to hold the papers without prejudice to the lien of the former solicitors, to return them undefaced within fourteen days after the conclusion of the action, to allow access to them for the purpose of making a bill of costs on the part of the former solicitors, and to produce them on any taxation of their costs. These seem reasonable terms, and it has long been settled that a solicitor is not entitled to retain his client's papers in such a way as to embarrass third parties; he must deliver them up on reasonable terms: *Boden v. Hensbury* (1892, 1 Ch. 102). The case quoted was a partition action, but the dissolution of a partnership seems to be *in consimili casu*. And indeed, this is the rule in administration actions. For these reasons Mr. Justice SARGANT ordered delivery up of the papers on the undertakings offered.

A Seventeenth Century Precedent.

THE RECENT reply of the Lord Chancellor to a request that he should reprimand a magistrate for accusing a witness of perjury, to the effect that he had no power to reprimand magistrates but could send the papers to the Public Prosecutor who would consider whether or not the complainant should be prosecuted for perjury, may perhaps have been suggested to Lord BIRKENHEAD by the well-known story of Chief Justice HOLT recounted by DUDLEY NORTH. HOLT, it seems, while sitting in the King's Bench, received an application from a fanatical puritan who said that the Holy Ghost had instructed him to apply for an injunction to restrain King Charles II from the practice of certain vices. "The Holy Ghost," replied the Chief Justice, "well knoweth that this court has no power to grant injunctions; but what it can do is to lay a lying rogue by the heels, and this it will forthwith proceed to do." Of course, we do not suggest that there is any analogy on the merits between the cases.

An Estate Agency Amalgamation.

MUCH HAS been heard the last two or three years of England "Changing Hands," and Mr. J. H. SABIN, the President of the Surveyors' Institution, in his address on Monday said it was impossible yet to forecast the permanent result of the recent turnover in ownership by the breaking up of large estates and the sale of ecclesiastical, hospital, and college and school properties. In cases where purchases had been made by tenants in self defence at high prices and with borrowed money, there might be anxious times ahead. Possibly the process has received a temporary check, but there is still plenty to be done by those whose business lies in "real estate," and in this connection we may notice that the well-known firms of Messrs. MAY & ROWDEN, of 27 Maddox Street, W., and Messrs. HILLIER & PARKER, of 99 Regent Street, W., have amalgamated and that the firm will in future be known as HILLIER, PARKER, MAY & ROWDEN. Although Mr. STANLEY MAY is retiring, he is remaining in an advisory capacity, so that his old clients will at all times have the benefit of his advice. The intention at present is to continue the whole of the London business (including that of Messrs. HILLIER & PARKER) from 27 Maddox Street, and the provincial business from 99 Regent Street. Mr. P. J. MAY (Mr. STANLEY MAY's son) is remaining at 27 Maddox Street with the firm, together with the entire staff, so that there will be no break in the continuity of the business.

The Ascendancy of the Lord Chancellor.

IT is clear that the question of a Ministry of Justice is a live issue and that it is now emerging from its philosophical and entering its militant stage. Lord BIRKENHEAD has felt called upon to deal with it, and he has done so in uncompromising terms. He announced his opposition to it at the Lord Mayor's banquet, giving in brief the salient points of his objection, and of this announcement consideration and review are appropriate. The theme, of course, is a fit and proper one for the Lord Chancellor, for it is his office more especially which will be affected by reform. The grounds of the movement lay in the imperfections of the services of the Judicature, a "total inadequacy," as the Report of the Machinery of Government Committee describes it, "of the organization which controls the general administration of very large staffs, with the voluminous business required to give effect to the decrees of the Courts of Justice throughout the country;" and this inadequacy is attributed in the first place to the magnitude and variety of the duties which are imposed on the head of the Judicature.

The duties in question are of a judicial, an administrative and a legislative character, and they are such that successive holders of the office have said that it is beyond the strength of any one man to perform them. Remedial measures, therefore, lie in the

first place in easing the burden of the Lord Chancellor. But this is not sufficient. The reform that is required is fundamental and not mere patchwork. It may mean the entire supersession of the Lord Chancellor in one of his functions. It is felt that the work of reconstruction in the Judicature is overdue, and, when it comes, it must be thorough. In the case of the Navy, under the root and branch methods of Lord FISHER, the accumulations of dead wood were removed, and, before the war opened, abundant new growth had appeared that enabled us to hold the seas. Similarly with the Army under Lord HALDANE, a close examination had been made of it, and innovations introduced that more than anything else rendered possible the great expansion of the forces that the subsequent call upon them occasioned. No similar reform has touched the Judicature, and consciousness of this is the explanation of the demand for a new system in connection with its organization.

After the success that attended Lord HALDANE's methods in one domain, it is not to be wondered at that he should invite the application of them in another. The conditions that have brought about reform in the Navy and Army require to be brought to bear upon the Judicature in order that it may come under the same beneficial influences. These reside primarily in the fact that both the Navy and the Army are represented in Parliament by Ministers of State, and naval and military administration in this way comes under public comment and stimulus. No such system prevails with regard to the Judicature. The Lord Chancellor is the sole representative of it in Parliament, but his relations with Parliament are such that he stands above parliamentary criticism and control. As head of the Judiciary, as keeper of the King's conscience and administrator of His grace, and as Speaker of the Upper Chamber, he exercises an unquestioned and unquestionable authority, and so is himself removed, as are all the functions which he exercises removed, from parliamentary review and comment. While his essential functions thus defined are in this way raised, and rightly raised, above public criticism, other functions which he exercises and which do not deserve this sanctuary are automatically raised with them, and in this way the services of the Judicature, because they are centred in the Lord Chancellor, become screened from public criticism, and, in the larger sense, are still waters. The pretence is made that public interference with questions of establishment in the ordering of the Judicature is an interference with the powers and duties of the judges. But this is not the case. It is not in the exercise of judicial function that renovation is sought. The case for reconstruction rather is that misconceptions touching the independence of the Bench should no longer be allowed to retard reform in the services that attend it. That the Lord Chancellor by virtue of his office should assume what, constructively at least, is the "prerogative of inerrancy or infallibility" in the matter of establishment because it leaves his higher functions is ultramontane doctrine pushed to its limit, and cannot be sustained.

The fact is that the offices of the Lord Chancellor as they affect the Crown, the Bench and the Woolsack are, in this important particular, at variance with those that touch the services of the Judicature. They are incompatible the one with the other. The Lord Chancellor is unable to abate the reserve imposed upon him as representative of the Sovereign and the Judiciary, and he is bound to uphold the authority exercised as speaker of the House of Lords; and yet, if the services of the Judicature are to meet public expectation, it is required of him that he should hold himself liable to attack when they fall below the standard set. The immunity from attack he now enjoys is at the root of the inadequacy of the services. And not only are these establishment questions removed from public control because the exercise of them is vested in the Lord Chancellor; but they are still farther removed from such control because the Lord Chancellor is seated in the House of Lords, and there is no representative of the Judicature in the House of Commons. We have, in fact, a situation in which matters of organization and procedure in the law are left, so far as the public are concerned, very much to take

their course. And yet organization and procedure are at the root of efficiency in the law, for it is in them that vexations more especially lie.

So conscious are those who have studied the question of the causes to which the inadequacy in the services of the law is due, that the demand has been made that the new Ministry of Justice should have a civil or non-professional head. This may easily be claiming too much. The first essential is that the Lord Chancellor as such should be relieved of the office, and that it should be reposed in someone who occupies a seat in the Lower House, and who, being there, would be answerable for its due administration. That it should be a civil or non-professional office exclusively is a need that is not established sufficiently by the analogy of the Navy and Army. While it is essential that it should no longer be a professional preserve, there is no adequate reason for making it a civil one. We must remember that, though the reforms in the Army were accomplished under one who in that connection was a civilian, the reconstruction of the Navy was the work of a sailor. The main thing to achieve is Parliamentary criticism and control, and, that attained, it matters less what the predispositions are of the Ministers who are subject to this criticism and control.

In the construction of a Ministry of Justice, the Admiralty has been cited as a useful model. It has been suggested that, under the superintendence of a Minister of Justice, "Law Lords" should serve, as, under the First Lord of the Admiralty, "Sea Lords" do, and that the distribution of the work should be similarly ordered. It is thought that the Home Office might take over this part of the Lord Chancellor's duties rather than that a new Ministry should be created. That we should adapt present material to future uses seems essentially a British method of procedure, and there is much to be said for it provided that the Home Office admits of the necessary adaptation. If the parallel of the Admiralty is to be followed, there are certain essentials in this work of adaptation. The Lord Chancellor would remain the "chief legal adviser" and take the place that the "first Sea Lord" holds in the other service. He would deal generally with the subject of personnel and would have charge of all appointments and dispense all honours and rewards. Other Law Lords would deal with matters of finance and material, and one more especially would devote himself to the question of procedure and the reform of it. All would be answerable to the Ministry of Justice or the Home Secretary as the case may be, and he would be responsible to the Crown and to Parliament, and, as with the "Sea Lords" so with the "Law Lords," if their advice were not taken their remedy would lie in resignation.

If the Lord Chancellor, through the Minister of Justice, be made answerable to Parliament for appointments to the Bench, the discretion of the Lord Chancellor as "First Law Lord" would be as little interfered with as are the commands of the Navy which are the appointment of the "First Sea Lord." The question of the appointment of the Judges is, however, a vital one, and it may be that the office should remain vested in the Lord Chancellor as one of his independent functions. At the same time, it is difficult to see how the independence of the Bench in any way hinges on the independence of the Lord Chancellor who appoints to it. There is something here in the nature of a superstition, for the Lord Chancellor owes his position to the fact that, though a lawyer, he has attached himself to politics. He is not even a member of the Bench prior to his appointment, and it might well be thought, were the subject dealt with *de novo*, that he would be ineligible for the duty of appointing the Judges, not only by reason of his attachment to politics, but because his only experience of the Bench is that derived from his membership of the Bar. If detachment from politics and acquaintance with the Bench be desirable in one who appoints the Judges, then it would seem that the function would more appropriately be exercised by the Lord Chief Justice, and in that case the main obstacle to the Lord Chancellor's connection with a Ministry of Justice would be removed.

D. M. G.

Legal Effects of the Termination of the War.

V.—Miscellaneous Matters.

In this concluding article it will be convenient to deal briefly with a certain number of statutes the duration of which is directly or indirectly connected with the statutory date fixed for the determination of the present war by the Termination of the Present War (Definition) Act, 1918, and the General Order which came into operation thereunder on 31st August, 1921. The statutes in question, together with much subordinate legislation in the form of Regulations and Orders in Council made by virtue of the statutory powers they confer, are generally known as the Emergency Legislation. Some of these statutes are still in force, whereas others expired on 31st August, 1921. The most convenient plan will be to summarize these statutes in allied groups and to indicate the present position in relation to each.

Defence of the Realm Acts.—These have already been discussed in a previous article. It is useful, however, to repeat here that the Defence of the Realm Acts themselves expired on 31st August, 1921, and that—apart from other legislation, or express provision for prolongation in the enactments themselves—all the Statutory Regulations made under the statutes, and not previously revoked by Order in Council, would have expired on that date. As a matter of fact, however, the War Emergency Laws (Continuance) Act, 1920, somewhat altered the position. The practical effect of that statute was to divide all the still-in-force D.O.R.A. Regulations into three groups:—

- (a) Those expiring with the termination of the war.
- (b) Those which were to continue after the termination of the war, should it end before 31st August, 1920, and to expire on that date. [In the events that have happened, this provision, of course, has had no effect whatever, and both these two groups of Regulations expired on 31st August, 1921.]
- (c) Three sets of Regulations which were to continue for some purposes after the expiry of the war, namely:—

- (1) The Defence of the Realm (Food Profits) Act, 1918, is to continue in force, and Regulations made by virtue of the combined powers conferred by it and the D.O.R. Acts are likewise to continue in force, until the last of the Food Orders made thereunder by the Food Controller is revoked (*ibid.*, s. 2 (3)). Some of these Food Orders have not yet been officially revoked, but all will soon have expired. The Ministry of Food was abolished by an Order dated 31st March, 1921, but some of its powers remain and were transferred to the Board of Trade.

- (2) Certain Statutory D.O.R.A. Regulations set out in the second schedule of the War Emergency Laws (Continuance) Act, 1920, are to continue in force so long as any Proclamation issued before 31st March, 1920, suspends *Habeas Corpus* and other statutory safeguards of the liberty of the subject. This, on the actual event, applies only to Ireland.

- (3) Any D.O.R.A. Regulation is to remain in force for the purpose of prosecutions commenced under it in respect of offences committed before its expiry, but punishments are limited to a fine of £100 and for three months' hard labour, and no prosecution can be commenced without the assent of the Attorney-General (*ibid.*, s. 1) and 3 (1)). It is clear, then, that the D.O.R.A. Regulations have now ceased to operate with the very limited exceptions specified above in (c) (1), (2) and (3).

Special Constables Act, 1914.—This statute, enacted 28th August 1914, gave His Majesty power, by Order in Council, to make Regulations with respect to the appointment and position of Special Constables during the present war (*ibid.*, s. 1 (1)). Five special classes of matters might be dealt with by these Regulations, namely:—

- (A) Exercise of powers under the "Special Constables Act, 1831," notwithstanding the absence of any riot or tumult.

(b) The Control of Special Constables so appointed by official "Directions" which they must obey.

(c) The Application of the Police Acts, 1839-1910, to Special Constables, in respect of gratuities, etc., to injured constables and their dependents.

(d) Invalidation of acts done prior to its enactment.

(e) Ancillary and supplemental matters.

This statute was expressly preserved by the War Emergency Laws (Continuance) Act, 1920, until the expiry of a period of twelve months after the termination of the war. It would, therefore, seem that this Act does not expire until 31st August, 1922.

Intoxicating Liquor (Temporary Restriction) Act, 1914.—This statute, enacted 31st August, 1914, conferred the powers it created for the duration of the war and one month after its expiry (*ibid.*, s. 2 (5)). These powers were exceedingly drastic, but as they are now superseded by the Licensing Act, 1921, which came into force on 31st August, 1921, and which is a permanent statute, in this case the temporary legislation has, in substance, been perpetuated although with modifications.

The Courts (Emergency Powers) Acts, 1914-1916.—The principles laid down in these Acts are so well known that no reference to the nature of the powers they confer is required here. It is enough to remind readers that these Acts were originally enacted for the continuance of the present war and six months thereafter (*ibid.*, s. 2 (4)); but their operation has been extended for a period of twelve months thereafter by virtue of the War Emergency Laws (Continuance) Act, 1920-21 (Schedule 1). The Acts, however, may be determined by Order in Council at any time: Courts (Emergency Powers) Act, 1914, s. 2 (4); but no one expects this power to be exercised. These Acts, therefore, will be in force until 31st August, 1922, unless previously determined by Order in Council.

The Clubs (Temporary Provisions) Act, 1915.—This statute gave exceptional powers for the control of clubs to police-inspectors acting under the direction of the Secretary of State, but the statute expired as such on 31st August, 1921. In the case of this Act, however, as well as in the case of a number of other statutes regulating the supply of liquor, which we do not propose to specify, the effect of the Licensing Act, 1921, now in force, has been to give permanent legislative effect to most of the more drastic powers conferred by them.

Evidence (Amendment) Act, 1915.—This important statute has been extended by the War Emergency Laws (Continuance) Act 1920, for a period of twelve months after the termination of the war. It gives power to use at trials the depositions of naval or military persons prevented from attending by the operation of military duty; it substitutes in such cases, where depositions have been so used, a sentence of penal servitude for the death sentence, where the law permits of the latter; and it makes several ancillary provisions for carrying out its enactments.

Grand Juries (Suspension) Act, 1917.—This statute is still in force, and remains in force for six months after the termination of the war (*ibid.*, s. 2 (4)); i.e., 28th February, 1922.

The Juries (Emergency Provisions) Act, 1920.—With the Grand Juries Act may be coupled this statute, which has been extended until 1st December, 1922, by the Juries (Emergency Provisions) Act, 1920. It gives powers for the purpose of facilitating the preparation of jury lists in certain cities, boroughs, and towns.

The Profiteering Act, 1919.—This statute, the objects of which are well known, but which in practice is generally considered to have proved both useless and expensive, was limited by its enacting section to a life of only six months. The Profiteering (Continuance) Acts of 1919 and 1920 successively extended it to 19th May, 1921, on which date it expired.

The Rent Restriction Act, 1920.—It is, of course, universally known that this statute continues until 24th June, 1923, except as regards business premises, in respect of which it expired this year.

Ministry of Food (Continuance) Act, 1920.—Although the Ministry of Food was abolished by the Cessation of Food Ministry

Order, 30th March, 1921, yet the powers of the Food Controller have been continued until 1st September, 1922, by virtue of the Ministry of Food (Continuance) Act, 1921.

Shops (Early Closing) Act, 1920.—This statute continued temporarily certain provisions of D.O.R.A. Regulations in respect of the early closing of shops, and it does not expire until 31st December, 1921 (s. 2 (3)).

The above, it is believed, is a fairly complete summary of the whole of the Emergency Legislation which came into being during the war so far as such legislation relates to internal matters, with a note of its continuance or expiry. No reference has been made to Aliens Orders, or to Trading with the Enemy Legislation, etc., because such matters concern external rather than internal affairs. Preceding articles, however, have indicated the position in respect of most of these other matters. It would, in our opinion, be very convenient to many practitioners if His Majesty's Stationery Office would issue a new edition of the Manual of Emergency Legislation, merely giving the names and the relevant dates in the case of Repealed Statutes and Orders, but setting out at length those which are still in operation, and indicating the permanent legislation (e.g., the Licensing Act, 1921), which has replaced others. It is unfortunate that no separate or special summary of Emergency Legislation is contained in what are otherwise the invaluable Supplements to the Encyclopædia of the Laws of England which the publishers of that useful work publish each year.

(Concluded.)

Sir Edward Fry.

The two best-known features of Sir Edward Fry's career are his membership of the Court of Appeal and his attendance as chief British delegate at the second Hague Peace Conference, but these are only the outstanding events in a life which was in many respects of great interest and which this memoir* for the first time reveals to the public. A life, his daughter says, "austere and tender," and out of the materials which, fortunately, he himself left, and with the assistance of Sir Alfred Hopkinson, K.C., of Mr. Justice Eve, of Lord Haldane, of Mr. Henry Hobhouse and of members of the family, Miss Fry has prepared a book which will occupy an honoured place among judicial biographies.

In his early surroundings Fry had no connection with the law, and at first he had no attraction towards it. His family, as is well known, were the founders of the Bristol cocoa and chocolate business, and for generations they had been Quakers. Edward Fry was the seventh in direct descent from Zephaniah, the first Fry Quaker. In the eighteenth century Joseph Fry settled in Bristol as a general practitioner, but abandoned his practice because he disapproved of the manner in which doctors were then paid, namely, by the medicines supplied, and took to business, starting among other ventures the chocolate factory which was developed by successive members of the family. It attained its modern size under Joseph Storrs Fry, Edward's eldest brother. Other brothers were Albert, Lewis and David. Lewis Fry who died a few weeks ago was the last survivor. Edward Fry was educated at various schools at Bristol and at two of them Walter Bagehot was a schoolfellow. But when he was fifteen his schoolmaster, Dr. Booth, left Bristol for Liverpool, and his schooling came to an end. This was about 1843 and from then till 1848 he was occupied first in accountancy and then in sugar and ship-broking. But his hours were short and his interest was really centred in literature and science. Zoology was his hobby and a monkey at the Clifton Zoological Gardens which had interested him alike in its life and in its death furnished the subject of a paper which was read before the Zoological Society of London and published in its Proceedings. In 1848 business and science were varied by a visit to Belgium, Germany and Switzerland, and as a result he published in the London University Magazine for May, 1849, an article entitled "Germany in 1848," describing the German Assembly at Frankfort, the sessions of which he had attended.

These distractions did not promise well for a life of business, and indeed Fry's inclinations were not that way. In 1848 John Hodgkin, a barrister and a Quaker, visited Bristol in connection with religious matters, and Fry made his acquaintance. This visit was, apparently, the first suggestion of the law as a career,

* A Memoir of the Rt. Hon. Sir Edward Fry, G.C.B., Lord Justice of the Court of Appeal, Ambassador Extraordinary and First British Plenipotentiary to the second Hague Conference, 1827-1918. By his daughter Agnes Fry. Compiled largely from an Autobiography written for his family. Humphrey Milford, Oxford University Press. 12s. 6d. net.

and though Fry had his scruples—possibly, he says, due to Dr. Arnold's views as to lawyers—he wrote afterwards to Hodgkin. As the result he decided to take up the Bar as a profession and to go to University College, London, to improve his general education. Oxford and Cambridge were practically closed to him as a Nonconformist, and London was his only resource. But perhaps neither Oxford nor Cambridge would have furnished such interesting names as appear on the pages dealing with this period—A. H. Clough, Prof. De Morgan, and Francis W. Newman—the brother of the Cardinal—who went out to convert the Persians and came back himself converted; or in Fry's own words: "A man of genius. After an Oxford course of exceptional brilliance, he had gone out to the East as a missionary and had returned, had renounced Christianity, and had adopted a devout theism. Mr. Jowett, I think, said of Francis Newman that his book on *The Soul* contained more religion than the writings of his Cardinal brother, and I entirely agree with that impression." This book we do not know, but *Phases of Faith* was, like W. R. Greg's *Creed of Christendom*, one of the chief criticisms of current orthodoxy in the middle of the nineteenth century. His own sympathies remained with Quakerism through life, but his theological views were wide and tolerant, and he was glad to see the gradual disappearance of questions and disputes which in his young days, he says, produced a chasm in his feelings towards systematic Quakerism which he never got over. Indeed, in his early years in London, he entirely shook off the external peculiarities of his sect and in 1859 he published a letter to members of the Society of Friends urging a change which has since, we believe, become general. For his own mature views on religion we may refer to the notes which he wrote under the heading *Religio Jurisperiti*, and which are given in Chapter XI.

In London Fry renewed his acquaintance with Bagehot, and made the acquaintance of Braithwaite, the conveyancer. He entered the chambers of the latter and remained there a year and a half, but Braithwaite was "a very dry lawyer, who loved the intricacies of real property law, and even the ghost of dead questions with a warm affection," and Fry was not altogether happy in this beginning of his legal studies. He transferred himself to the chambers of Edward Bullen, the special pleader, and passed there a more congenial six months—a preference which was hardly reflected in his subsequent career. But he returned to Lincoln's Inn, to the chambers of Charles Hall—afterwards Vice-Chancellor—and it was during his period of reading there that he was called to the Bar in 1854. "I recollect," he wrote, "returning to my rooms after it was over with much sinking of heart; I had spent years in preparation for this event; it had come and I did not see the slightest reason why I should ever get any business. I did not know of any one whom I thought likely to befriend me as a barrister, and so things looked flat and unprofitable." But, as in other cases, partly ability and partly opportunity brought business. The first real start was with an objection to title in a purchase by a family connection. It went into court and the objection, on which Cairns, then Solicitor-General, had also been consulted, was upheld. The subject of this case was familiar to Fry for in the early years after his call he wrote his book on "Specific Performance," which appeared in 1858. He says: "Though it had no immediate effect on my professional success it has, I doubt not, conduced to promote it, if by nothing else, at least by compelling me to a systematic study of one branch of the law." In the following year the loneliness of his life in London, which he had keenly felt, had a happy ending in his marriage to Mariabella, elder daughter of the John Hodgkin who had first pointed the way to the Bar, and they settled down at Highgate.

Fry's practice, while he was at the Junior Bar, was miscellaneous. He had court work and did a good deal of conveyancing and company drafting; and at one time he was doing so well at the Parliamentary Bar that he was half inclined to turn to it as an easier way of making an income, but he says: "I felt its great inferiority in character to the Equity Bar, and I stuck to my Lincoln's Inn practice as my sheet anchor." In 1869 he took silk and attached himself to the court of James, V.C., entering into competition with Amplett and Kay. With regard to equity K.C.'s attaching themselves to a particular court, unless they "go special," he said: "The object of this arrangement was to give the suitor the highest available security that the counsel who was briefed would appear in the case. It had some disadvantages, but, in my opinion, none to countervail this great advantage." It was not long before he began to make his way in the court, but James went to the Court of Appeal, and Bacon, the last of the Vice-Chancellors, took his place. "Bacon was a man of great ability and a very pleasant wit, but he was a slow and silent judge who gave you no inkling of what he was thinking about, and I felt the change a good deal." So he exchanged with Swanson who was in the Rolls Court, and he practised there before Romilly, M. R., then for a year or so before Lord Selborne, and finally before Jessel. But his increasing business in the House of Lords and Privy Council made it impossible for

him to do justice to his work at the Rolls. He decided to go special, a step which at first very much lessened his business, but it was again much on the increase when he was appointed to the Bench. Through these years his interests were by no means confined to the law. In 1857 he had published a series of "Essays on the Accordance of Christianity with the Nature of Man," and later he published a short book on "The Doctrine of Election," a title which was capable of causing confusion between theology and equity.

It was in April, 1877, that Fry received from Cairns, L.C., the offer of a judgeship, which he accepted next day. This was the additional judgeship authorised by the Supreme Court of Judicature Act, 1877, and also the first Chancery judgeship carrying the title "Mr. Justice," and the liability to go on circuit, a liability which he duly undertook, though he was entirely without experience of criminal work. But though the members of the Common Law Bar were on the look out for the lapses of distinguished equity judges, it does not seem to have been Fry who brought the innovation to a sudden end. At p. 87 of the Memoir are given certain notes as to his conception of judicial duties which he made immediately after his appointment. They are too long to quote, but they can be profitably compared with Bacon's "Essay on Judicature." "An overspeaking judge," says Bacon—to take one brief example—"is no well-tuned cymbal." "Talk," says Fry, "so far as to let the counsel know the difficulties which press on my mind in the view he presents, but not so as to prevent his answering these difficulties."

For his Chancery work the new judge had to be content with a basement room under the Library at Lincoln's Inn—then popularly known, we believe, as the Coal-cellar and now a storehouse for books—but an accident to Malins, V.C., was followed by the transfer of Fry to his Court. "It was not without anxiety that I found myself the inheritor of the Bar and of the traditions of Malins' Court. But all went well. I was studiously careful to avoid any occasion for controversy with myself or to allow any controversy between counsel by requiring them in everything to address me; one of the most dangerous of the counsel soon migrated to some other Court, and the remaining one, Mr. Glasse, treated me with every respect I could desire." We need not add any comment on this termination of a state of affairs which is commemorated in a well-known rhyme.

(To be continued.)

The New Statutes.

(Continued from page 37.)

THE CHURCH OF SCOTLAND ACT, 1921 (11 & 12 Geo. 5, c. 29).

Although this statute applies to Scotland only, we mention it because of its great constitutional importance, which has been quite overlooked in England owing to more pressing interests. The statute, however, sets a precedent in case the Church of England and the leading Nonconformist Denominations in England should ever decide on reunion—a contingency not so remote now, as still seemed to be the case, even a few years ago. The object of the statute is to facilitate reunion of the Established Church of Scotland with the other Presbyterian Bodies in the Northern Kingdom, if they can mutually agree. It is because such mutual agreement is now within sight that this Act has been placed on the Statute Book. The method of the statute is to abrogate all existing laws (whether statutory or otherwise) in the Church of Scotland in favour of Nine (not Thirty-nine) Declaratory Articles set out in the Schedule, which, in future, are to govern its constitution and doctrine. Needless to say, the "Nine Articles" are the result of agreement on the part of the churches, whether established or free. Article I declares that the Church of Scotland "is part of the Holy Catholic or Universal Church." Article II declares that the Westminster Confession of Faith, 1647, contains the substance of the Faith of the Reformed Church. Articles III and IV trace its history and continuity. Article V gives freedom from state-control in all spiritual matters. Article VI recognises the Temporal Power of the Civil Magistrate "within his own sphere." Article VII provides for union with any other church. Article VIII gives to the church the sole right to interpret the Nine Articles and its own doctrines. Article IX confirms certain other ordinances governing the church so far as consistent with this Declaratory Act. The enormous constitutional importance of this great statute can hardly be overstated.

It is hardly necessary to say that the *fons et origo* of this statute is the famous case of *Lord Overton v. Free United Church of Scotland* (1904 A.C.), in which the House of Lords held that a Union of the Free and United Presbyterian Churches operated as a forfeiture of endowments. The matter was put right by statute, and at the same time the Established Church of Scotland was given a limited power to interpret its Creed. The near advent of a Reunion between the Free United and the Established Churches is probably the cause of the present Act.

THE HEALTH RESORTS AND WATERING PLACES ACT, 1921
(11 & 12 Geo. 5, c. 27).

THE REMUNERATION OF CORONERS ACT, 1921
(11 & 12 Geo. 5, c. 30).

THE POLICE PENSIONS, ACT, 1921
(11 & 12 Geo. 5, c. 31).

These three statutes are mentioned together because they are all financial statutes affecting the local authorities who have to find, by rates, the moneys required under them. The first-named Act empowers boroughs or urban districts to spend money on "advertising the advantages and amenities of the borough or district, or any part thereof, as a health resort or watering place." The local authority cannot expend in any one year a sum exceeding the proceeds of a penny rate. The second statute provides for the revision by the appropriate county or county borough of a coroner's fees and salary in lieu of fees. By the County Coroner Act, 1900, such a revision was to take place in counties every five years; the present revision is to be treated as one of those statutory quinquennial revisions (s. 1 (2)). The third statute is a very long Act, containing no fewer than five and thirty clauses, some of them quite lengthy, making general provisions for the pensioning of police constables in Great Britain. Retirement is compulsory for sergeants and constables at 55, superintendents and Inspectors at 60, and Chief Constables at 65 (s. 1 (1)). Scales of pensions and widow's gratuities are fixed by a number of clauses. Pensions or allowances are subject to very stringent rules of forfeiture; these are contained in seven sub-clauses of s. 15 (1), and include, *inter alia*, the soliciting of testimonials on retirement (15 (1) (f)), and the carrying on of business as a private detective (*ibid.* (g)). But none of these provisions, or of the numerous others contained in the statute and its appendices in the shape of Schedules, can be said to have any special interest for the legal profession.

THE FINANCE ACT, 1921 (11 & 12 Geo. 5, c. 32.)

In Part I (Customs and Excise) there are several changes which should be noticed. Entertainment Duty under s. 1 of the Finance (New Duties) Act, 1916, is still in force, but s. 7 of the present statutes grants exemption to an entertainment—(A) which is provided by a society established solely for the purpose of promoting the interest of the industry of agriculture or some branch thereof, or the manufacturing industry or some branch thereof, or the public health, and not conducted for profit; and (B) which consists solely of an exhibition of products of the industry or the other matters connected therewith which are defined by the section. In effect, the exemption is in favour of exhibitions of agricultural and manufacturing products, materials and appliances. By s. 12 of the Finance Act, 1916, school entertainments, as defined in the section, were exempted from entertainments duty. By s. 8 of the present statute the exemption is extended to entertainments provided by any organization certified by a local education authority to be established and conducted for the purpose of providing social or physical training for children or young persons who are attending or have attended schools provided or aided by that authority; and the age limit for performers in exempted entertainments is raised from 16 to 18 years. Under s. 1 (5) (c) of the Finance (New Duties) Act, 1916, children's entertainments at a charge of not more than 1d. are exempted. This is raised to 2d. by s. 9 of the present Act. By s. 10 the duty on licences for male servants, which was applied by s. 13 of the Motor Car Act, 1903, to the drivers of motor cars, is not to apply to them unless they are also employed in a personal, domestic, or menial capacity. By s. 13 of the Finance Act, 1920, duties payable annually were imposed on licences for mechanically propelled vehicles, with provision for quarterly licences in respect of certain vehicles. Section 22 of the present Act allows of licences (with certain exceptions) being taken out for such periods of the year and at such rates as the Minister of Transport may prescribe.

In Part II (Income Tax), s. 25 is a piece of retrospective legislation the soundness of which was very strongly criticised during the passing of the Act. The Income Tax Act, 1918, contained two provisions, ss. 43 and 44, giving relief in respect of diminution of profits or gains due to the war, and also where the income for the year fell short of the assessed income by more than 10 per cent. These were expressly continued by s. 15 of the Finance Act, 1919, but not by the Act of 1920. This last Act, however, purported to keep in force for 1920-21 all enactments relating to income tax which were in force for 1919-20. Hence ss. 43 and 44 of the Act of 1918 were still in force. Apparently, however, this was not the intention of the Inland Revenue authorities, and s. 25 of the present Act retrospectively abolishes ss. 43 and 44 of the Act of 1918 for the year 1920-21. A like retrospective repeal is applied by s. 26 to paragraph (1) of rule 3 of the Miscellaneous Rules to Schedule D in cases where there is a cessation of business for certain reasons during the year of assessment. Under s. 28, notice of claims for relief under the Finance Act, 1920, s. 27 (which

gives relief from United Kingdom income tax in respect of Dominion income tax), together with particulars of the claim, must be given in writing to the surveyor of taxes or otherwise as mentioned in the section, and the powers of the special commissioners in determining the claim are defined; and s. 30 contains certain exemptions from income tax in respect of charity lands. A curious provision exempting from income tax sewers vested in local authorities is contained in s. 34.

The most important provisions of the Act are those in Part III relating to the repeal of excess profits duty. Under s. 35 (1) the duty is to be paid for the "final accounting period," but no subsequent period is to be deemed to be an accounting period for the purpose of the duty; and by s. 36 (2) the final accounting period is the period which commences at the end of the accounting period of the trade or business last preceding the "fixed date" and ends on that date; and "the fixed date" means in the case of pre-war businesses, whether there has or has not been a change of ownership, the date of the expiration of 84 months from the date of the commencement of the first accounting period of the trade or business, and in the case of any other business, the 31st of December, 1920. The details of this scheme for establishing a uniform period of seven years' liability, and for winding up the claims to duty, are primarily a matter for accountants, and it is only after the accountant has gone into the figures that legal advice is likely to be required.

Part V (Death Duties), by s. 43, extends the relief in respect of death duties given by s. 14 of the Finance Act, 1900, and subsequent statutes, in the case of persons killed in the recent war to persons who die "from causes arising directly out of the present state of disorder in Ireland." Under s. 20 of the Finance Act, 1900, as amended by s. 63 of the Act of 1910, objects of national, scientific, historic, or artistic interest are exempted from estate duty until they are sold. Section 44 of the present Act continues the exemption notwithstanding sale, if the sale is to the National Gallery, British Museum, or other similar national institution, any university, any county council, any municipal corporation in the United Kingdom, or the National Art Collections Fund.

In Part V (National Debt), the only provision requiring special notice is s. 48 which, for the purpose of removing doubts, declares that the provisions of the Finance Acts, 1911 and 1917, therein mentioned, which authorise the transfer by deed of any stock for the time being transferable at the Bank of England, shall apply to registered bonds issued under the War Loan Acts, 1914 to 1919.

The general provisions in Part VI include s. 57, under which companies, which derive not less than one-half of their gross income from land, can deduct mortgage interest for the purpose of Corporation Profits Tax; s. 58, under which, in certain cases, exemption from this tax up to 31st December, 1922, is allowed in respect of profits derived from public utility companies; s. 59, under which the increase in capital stamp duty introduced last year from 5s. to £1 per cent. is remitted in certain cases where the formation of the company or increase of capital was not proceeded with in compliance with the Government request at the time of the issue of the 5½ per cent. Exchequer Bonds, 1925; s. 60, which makes the penalty under s. 44 of the Stamp Act, 1891, on unqualified persons preparing instruments, recoverable summary instead of by information in the High Court as provided by s. 121; s. 63, which makes provision for obtaining information as to the contents of documents which have been lost, destroyed, or defaced while in the custody of the Inland Revenue Commissioners; and s. 34, which alters from 30 to 25 the number of years' purchase fixed for redemption of land tax by s. 32 of the Finance Act, 1896.

Res Judicatæ.

Conspiracy by Pressure of Numbers.

It is to be feared that the Law of Conspiracy, recently elevated from obscurity by a series of lucid judgments delivered by Mr. Justice Peterson, Mr. Justice Astbury, and Mr. Justice McCardie, has sunk into the old quagmire as the result of the Court of Appeal's decision in *Ware and De Freville Ltd. v. Motor Trade Association* (1921, 3 K.B. 40). The old question, on which there has long been a fierce controversy between what Sir Frederick Pollock has called the *Allen v. Flood* School and the *Queen v. Leatham* School—namely, how far a conspiracy is actionable where the act of one person would not be actionable, has been once more considered in this case. The more recent rule, first elaborated by Mr. Justice Astbury in *Valentine v. Hyde* (1919, 2 Ch. 129), and afterwards accepted by the King's Bench Division in *Pratt v. British Medical Association* (1919, 1 K.B. 244) may be stated thus: a combination of two or more persons is actionable in cases when either (1) it is directed to the attainment of an unlawful purpose, or (2) it is directed to lawful ends

but proposes to use unlawful means, or (3) its end and its means are lawful, but the mere fact of combination is calculated to intimidate and oppress single individuals who may oppose the confederation. The third proposition is the doubtful one, but it seems to afford a safe *eirenicon* to the rival academics of jurists, who had discussed this problem *ad nauseam* with all the zest of Athenian Academics and Peripatetics or of Mediaeval Thomists and Duns Scotists. Now the Court of Appeal has cast it aside and held that the mere fact of coercion resulting in failure from the existence of a multitude of confederates does not turn a lawful confederacy into an unlawful and actionable conspiracy.

The Protection of Trade Interests.

A different point of law is also illustrated by *Ware and De Freville Ltd. v. Motor Trade Association* (1921, 3 K.B. 40). This concerns the limits within which a trade combination may set about to injure others, not from malice, but to protect their legitimate trade interests. The old doctrine, known as the rule in the *Mogul Steamship Case*, has been reasserted in lucid terms by Lord Justice Scrutton in his judgment (*ibid.*, p. 71). A combination is a reasonable and legitimate and therefore non-actionable means of protecting trade interests where (1) it is intended to secure that new goods shall be sold at a fixed price by refusing to supply with the commodity any person who sells at a different price; (2) it publishes a "stop list" of the boycotted dealers for the information of its own confederates only; and (3) it takes steps to prevent the supply of such commodities indirectly to the persons so boycotted. Incidentally, Lord Justice Scrutton paid a high compliment to a *locus classicus* not generally known by English lawyers, namely, Chief Justice Holmes' (U.S.A.) celebrated judgment in *Vegebacken v. Guntner*, (107 Mass. 92).

Reviews.

Licensing Law.

THE LICENSING ACTS. By the late JAMES PATERSON, M.A., Barrister-at-Law. Being the Licensing (Consolidation) Act, 1910, the Finance (1909-10) Act, 1910, the Licensing Act, 1921, and the Extant Provisions of the Licensing Acts from 1830 to 1902. Together with the relevant Emergency Legislation for 1914-18, and all other relevant Excise, Inland Revenue, Finance and Innkeepers' Acts. With Notes, &c. &c., and Forms. 32nd edition. By HARRY BAIRD HEMMING, LL.B., Barrister-at-Law, and S. E. MAJOR, Junr., Solicitor, Joint Clerk to the Justices for Barrow-in-Furness and for the Petty Sessional Division of Lonsdale North, Lancashire. Butterworth & Co.; Shaw & Sons, Ltd. 22s. 6d. net.

The 1922 of "Paterson" appears somewhat in advance of the usual time, in view of the Licensing Act, 1921, which came into operation on 1st September. Attention is called in the preface to the provisions of this Act as to closing hours, and to the new rules which were issued in August and the explanatory circular letter by Sir John Pedder of the Home Office to Chief Constables. The rules are printed at page 1044, and the Home Office letter at page 1049. Under a 120 of the Children Act, 1908, children are not to be allowed to be at any time in the bar of licensed premises, except during the hours of closing. It is pointed out in the preface that since closing hours are abolished—their place being taken by permitted hours—the result is apparently to exclude children entirely from being in the bars of licensed premises; but this is probably a legislative oversight, and in practice the embargo—if it exists—can hardly be maintained. The introductory chapter, which contains an outline of licensing legislation since 1828, is a valuable feature of the work, and the succeeding chapters of Part I contain a detailed exposition of the existing law. As another chapter of special interest, we may refer to Chapter XVI, containing a statement of the decisions on covenants relating to licensed premises, and on contracts for sale and lease, and other incidental matters. The "tied house" covenants have given rise to many interesting decisions, such as *White v. Southend Hotel Co.* (1897, 1 Ch. 767), and the important judgment of Farwell, J., in *Manchester Brewery Co. v. Combs* (1901, 2 Ch. 608). And chapter XVIII, with its full table of offences, is very useful. In Part II the Licensing Acts and a large number of relevant statutes are printed in chronological order with notes, and the appendix contains rules, orders and other matter. The style and printing of the book is as pleasing as its matter is complete and well-arranged.

Mr. John Croft Deverell, of Pixham Firs, Dorking, Surrey, late of New-sq., Lincoln's Inn, solicitor, an alderman of the Surrey County Council and a former chairman of the Board of Guardians, J.P. for Surrey, a director of the Equity and Law Life Assurance Society and of the Law Reversionary Interest Society, Limited, who died on 6th October, aged 81, left estate of the gross value of £74,815 with net personalty £61,398. The testator left £200 to the East London Hospital for Children, Shadwell, £100 each to the Cancer Hospital and the Dorking Cottage Hospital, £500 to his nurse, £200 to his head gardener, and £50 each to his coachman and his cook.

New Orders, &c. Supreme Court, England.

PROCEDURE.

RULES OF THE SUPREME COURT, ORDER 36, RULES 45 AND 47a.
ORDER MADE BY THE LORD CHANCELLOR DATED 14TH NOVEMBER, 1921.

I, Frederick Viscount Birkenhead, Lord High Chancellor of Great Britain, by virtue of Order 36, Rules 45 and 47a of the Rules of the Supreme Court and every other power enabling me in that behalf, hereby order and direct as follows:—

(a) Until further order all causes or matters which are referred to an Official Referee shall, except when the Order referring the cause or matter specifies Edward Pollock Esquire as the referee to whom the cause or matter is to be referred, be distributed in rotation amongst the Official Referees other than Edward Pollock Esquire.

(b) The causes or matters specified in the Schedule to this Order (being causes or matters referred to an Official Referee in respect of which no particular referee was named in the Order referring them and now entered in the list of Edward Pollock Esquire) shall be transferred to the other Official Referees in manner following, that is to say: those in Part I of the said Schedule shall be transferred to Sir Francis Newbolt, K.C., and those in Part II of the said Schedule shall be transferred to G. A. Scott, Esquire. Every cause or matter transferred in accordance with the directions of this Order shall be entered in the list of Sir Francis Newbolt, K.C., or of G. A. Scott, Esquire, as the case may be, in the position which it would have taken in that list if it had been entered therein at the date when it was entered in the list of Edward Pollock, Esquire.

SCHEDULE.

PART I.

<i>Down & Down v. Goodwin & Hill.</i>	<i>Selinger v. Hersman.</i>
<i>Same v. Watson.</i>	<i>Baker v. C. P. Knight & Co. Ltd.</i>
<i>Taplin v. Ballantine.</i>	<i>Ferris Bros. v. Rees Roberts.</i>
<i>Smart v. Corona Lamp Co.</i>	<i>Brarley & Co. Ltd. v. Radcliffe.</i>
<i>Whale & Whale v. Benteman.</i>	<i>Veritys Ltd. v. Davidson.</i>
<i>Gentzenstein v. Rosen.</i>	<i>Lewis v. Jarman.</i>
<i>Same v. M. & D. Rosen.</i>	<i>Brevis Ltd. v. Bowring.</i>
<i>Mount v. Automobile Supply Co.</i>	<i>Tanner v. Miller.</i>
<i>Offer Ltd. v. Surrey Manufacturing Co.</i>	<i>Ruston v. Nash.</i>
<i>Wheeler v. Prime.</i>	<i>Offer Ltd. v. Sopwith.</i>

PART II.

<i>Dambekalm v. Lawrence.</i>	<i>Sharp v. Shadbolt.</i>
<i>Heal & Son v. Keith.</i>	<i>Beard v. Davis & Smart.</i>
<i>Sanders v. Sawyer.</i>	<i>Taylor v. Gerard.</i>
<i>Lee v. Lynn.</i>	<i>Ropley v. Mitchell.</i>
<i>Grange v. Sharpe.</i>	<i>Silverthorpe v. Rosen.</i>
<i>Burton v. Harding.</i>	<i>Bren v. Joseph.</i>
<i>Hooper v. Hodgkins.</i>	<i>Sir C. R. McGrigor v. Robinson.</i>
<i>Chandler v. Sir T. Brooke Hitching.</i>	<i>McMamus v. White.</i>
<i>Wrench v. Jackson.</i>	

Birkenhead, C.

Societies.

United Law Society.

A meeting was held in the Middle Temple Common Room, on Monday, the 14th November, Mr. C. P. Blackwell in the chair. Mr. Ivan Horniman moved: "That the attitude of the Government since the beginning of the late war towards claims put forward by individuals has seriously undermined the Nation's faith in the Government and has sullied the King's Justice." Mr. Graham H. Mould opposed. Messrs. B. A. Elliman, Neville Tebbutt, J. E. Harper, G. T. Williams, A. J. Larcombe, E. H. Philcox, W. S. Pitt, and A. W. Goodman having spoken Mr. Horniman replied. The motion was then put to the house and was carried by one vote.

Gray's Inn Moot Society.

MASTER OF THE MOOTS; EDWARD CLAYTON, Esq., K.C.

A Moot will be held in Gray's Inn Hall, on Monday, the 21st of November, 1921, at 8.15 p.m., before The Hon. Mr. Justice Branson. A and B were partners in London. While B was abroad A, being informed that C, an employee of the firm, had embezzled a sum of money the loss of which might imperil the firm unless promptly provided against, telephoned to a telegraph company for transmission to B by wireless the following message: "C has robbed us position serious return at once." The message was received by D, an employee of the company who happened to know C and owed him a grudge and was unaware of the relationship of A and B. D transmitted the message by wireless to the company's station abroad, where it was written out and delivered to B.

C was in fact innocent and sued A and D and the company for libel. The jury found that A was not actuated by malice—that D was actuated

by malice, but had done no more than his duty to the company in transmitting the telegram. The Judge at the trial entered judgment for A on the ground that he had acted without malice on a privileged occasion; for D on the grounds that no publication of any libel was proved against him, and that in any event he had acted in the course of his duty to the company; and for the company on the ground that they were covered by the privilege of A.

The Plaintiff appeals on the whole case.

All members of the four Inns of Court are invited to attend.

Two Counsel will be heard for each of the parties.

The procedure will be in accordance with the practice of the Court of Appeal.

Gray's Inn.

Friday, 11th November, being the Grand Day of Michaelmas Term at Gray's Inn, the Treasurer (The Hon. Mr. Justice Greer) and the Masters of the Bench entertained at dinner the following guests:—The Lord Chief Justice of England, Lord Justice Warrington, Mr. Edward Shortt, K.C., M.P. (Home Secretary), Mr. Justice Horridge, Mr. Justice Shearman, Sir Ronald Ross, K.C.B., K.C.M.G., M.D., the Treasurer of the Hon. Society of Lincoln's Inn (Sir Alfred Hopkinson, K.C.), Sir Charles Gill, K.C., Professor Stephen Leacock, and Mr. E. V. Lucas.

The Benchers present in addition to the Treasurer were:—Sir Lewis Coward, K.C., Mr. C. A. Russell, K.C., Mr. Thomas Terrell, K.C., The Right Hon. Sir Plunket Barton, Bart., K.C., Sir Henry Duke, Lord Glenavy, Mr. Edward Clayton, K.C., Mr. Arthur E. Gill, Mr. Montagu Sharpe, K.C., Judge Ivor Bowen, K.C., Mr. W. Courthope Wilson, K.C., Mr. G. D. Keogh, Mr. Bernard Campion, with the Chaplain (The Rev. W. R. Matthews, B.D.), and the Under-Treasurer (Mr. D. W. Douthwaite).

Solicitors Robbed.

At Tower Bridge Police Court, on Wednesday, before Mr. Bingley, Philip James Laverack (41), solicitor's managing clerk, 119, Lordship-road, Stoke Newington, was charged with stealing three sums of money, amounting to £375, between April 11th, 1920, and April 3rd, 1921, the property of Edward Shrimpton Woodroffe and another, solicitors, of 18, Great Dover-street, Borough.

Divisional Detective-Inspector Caselton, M., said he went to 18 Great Dover-street, where prisoner was employed, and after certain questions, told him he would be charged with stealing moneys belonging to his employers. Prisoner said: "Yes, I admit it. I've been a fool. I must have been a maniac." When charged he made no reply. In asking for a remand the inspector said there had been falsification of accounts and there were other matters to be gone into. (Remanded for a week.)

Midland Bank War Memorial.

An impressive ceremony was performed on Armistice Day at the head office of the London Joint City and Midland Bank Ltd., when The Right Hon. R. McKenna, Chairman of the Board, unveiled the war memorial erected by the directors in honour of 717 officers of the bank who lost their lives in the great war. No fewer than 5,100 of the clerical and messenger staffs, representing 56 per cent. of the total staff, joined H.M. forces, and of these 14 per cent., a very high proportion, laid down their lives.

Mr. McKenna, who had returned from the United States only a few hours earlier, voiced the deep sense of pride and grief of all present when he said that it was fitting that they should do honour to-day—the anniversary of Armistice Day—to the memory of the officers of this bank who gave their lives in the service of their country. Recalling the lines of a soldier poet who lost his life at the Dardanelles,

"If I should die, think only this of me,
That there's some corner of a foreign field
That is for ever England"

he continued: "Even thus may we think of our lost comrades whose bodies have consecrated their distant resting-places to the cause for which they died. Though we need no reminder of their sacrifice, this is the tribute, which it is our privilege to place as a lasting testimony."

After the Rev. John Ellison, M.A., M.V.O., Rector of St. Michael's, Cornhill, had offered a Dedictory Prayer the Last Post was sounded by buglers of the 2nd Battalion of H.M. Coldstream Guards. The Chairman then placed a laurel wreath at the base of the Memorial on behalf of the Board of Directors. The singing of "O God, our Help in Ages Past" and the National Anthem concluded the proceedings.

Although, for obvious reasons, only a few hundred of the bank's staff were able to be present the special guard of honour, composed of sixty-five ex-service men chosen from branches in different parts of the country, made the ceremony fully representative.

The Memorial, which is a beautiful piece of work in marble and bronze, was designed by the bank's architect, T. B. Whinrey, Esq., the bronze figures of St. George and the Recording Angel being the work of the well-known sculptor, Albert Toft, Esq.

We understand that a brochure giving the Order of Service, the names of the fallen, and a photographic reproduction of the Memorial, will be sent to the nearest relatives in each case.

Rent Restriction, 1920-1921.

(Continued from page 65.)

If we admit that limitation of rent and security of tenure were advisable in the exceptional circumstances of the war, we should find it hard to apply to those principles more stupid methods than those adopted in the Acts. Perhaps their worst defect is the establishment of the "standard rent." A house which at the outbreak of war was let at a nominal rent to a poor relation or a pensioned servant of the owner may not be let to-day at more than that nominal rent plus 40 per cent. A house in a deteriorating neighbourhood which was occupied by the owner for several years prior to the war has a standard rent far in excess of the 1914 value. In many cases it is impossible to ascertain what is the standard rent or even whether a standard rent exists. Sometimes we find two similar modern houses standing side by side, one of them let at a lawful rent 50 per cent. in excess of the maximum lawful rent of the other, simply because it was occupied by the owner from the time of its erection until a year or two ago, whereas the latter was let before August, 1914. Restricted rents ought to be based on the pre-war rateable value, not on the pre-war rent: or there should be liberty to either owner or tenant to apply to the County Court to fix a substituted standard rent.

Another defect is the restriction of rent to new tenants, at any rate in the case of the larger houses. When Lord Rhondda fixed a maximum price for rabbits they simply refused to leave their burrows to be shot, and disappeared from the markets. The same cause has produced a similar effect in the house letting market, which is deserted: all the vacant houses go into the sale market where prices are unlimited and profits are untaxed. If we want to discover who are the real beneficiaries from this provision we need only consider the boom in our own conveyancing business and look at the sumptuous new motor cars of the house agents. A third defect is the restriction of the right of ejection on the ground of alternative accommodation to an owner who wishes to occupy. There are thousands of houses occupied by middle-aged spinsters and childless or elderly married couples who could very well do with half the house and surrender the other half for the occupation of another family, but who are encouraged by Parliament to play the dog-in-the-manger.

The effects of the Acts have been fourfold. One of them I have already touched upon, viz., the serious waste of the existing accommodation. "To him that hath shall be given" is not a practical housing policy, and it operates most hardly against those who deserve the most: I refer to the returned soldiers, and especially to those who gave up their homes when they joined the Army. Another defect is that the working-man has imbibed false economic ideas. When wages were rising enormously, rents remained stationary, and there is danger of serious unrest if rents are to rise substantially while wages are falling. Grave injustice to owners and mortgagees is another effect—an effect so well appreciated by our profession that I need not dwell on it. The last effect to which I referred is the discouragement of private enterprise in the building industry and its replacement by State-aided schemes. I concluded my paper last year by a plea for restoration of the economic rent and a suggestion that, if necessary, a rent allowance should be added to wages in order to enable the working classes to pay such a rent.

Since I read that paper events have marched rapidly. We were then at the peak of wages, and of the cost of living. Though we had passed the peak of the trade boom, our factories were still busy. Portents, however, were not lacking. The world's shipping had just become equal to carrying the world's cargoes. Although the benefit had not yet reached the consumer, wholesale prices had been declining since the previous spring. And even earlier there had been indications that the poverty caused abroad by the war would have serious effects on our export trade. For one commodity in particular many of our usual foreign markets had been practically closed for a year previously, because it is the commodity with which the foreigner is best able to do without: I refer to soap. It was a stroke of good luck that the first increase in rents should have been permissible three months earlier, while trade was still at the height of the boom. In general the increase was being received without grave demur, and, although in certain industrial districts, particularly north of the Tweed, "rent strikes" were organised, these strikes so far as they were directed against private owners collapsed. But Government Departments and municipal bodies are more susceptible to pressure, and in numerous instances concessions had to be made to their tenants. For instance, notices of increase of rent which had been served on Crown tenants at Holbeach, Lincolnshire, were wholly withdrawn, and notices served by the London County Council on tenants of the Well Hall Estate resulted in reference to arbitrators, who fixed the rents of many of the houses at less than the amounts to which it had been proposed to increase them. During the past year we have experienced a trade depression as sudden and severe as to be without a parallel in our modern commercial history. The dismemberment and apathy of Austria, the ruin of Russia, the industry of Germany and Belgium, the burden of taxation, the demoralisation of the exchanges and the false economic teaching of many labour leaders, all have contributed to destroy many of our foreign markets. Unexampled unemployment has been rife. Wages have fallen, but too slowly to keep our trade together. The cost of living also has fallen. The fall was fairly steady from November to June when it was arrested; at the beginning of September the figure was actually higher than three months earlier.* The movement in wholesale prices has been on the same lines, but the fall was arrested earlier and from March to June it was trifling.†

* Gentle of the Ministry of Labour.

† The Economist estimates a decrease of wholesale prices during July of 2 per cent., and an increase during August of 2 per cent.; the Statist estimates that the reaction started earlier and that there was an increase during July of 2.4 per cent.

After referring to the features of the year in Parliament and in particular the abandonment of the Government Housing Policy, Mr. Alexander continued: The Government estimates of the number of houses required were variously stated at from 500,000 to 800,000 at once, and an equal number spread over 10 years. In place of a million or a million and a half we are to get in all about 200,000, of which seven-eighths will be contributed by the local authorities and one-eighth by subsidised private builders. However much we may dislike subsidies the immense advantage to the taxpayer of subsidising private industry instead of financing public bodies is readily seen from the fact that each subsidised house will cost the nation a lump sum of under £250 and no more, whereas the local authorities' houses will entail an annual loss averaging £55 to £60 per annum and on one of the London County Council estates the loss will average over £89 per annum for each house.* The subsidised houses will cost a lump sum subsidy of five or six millions; the local authorities' houses will cost 10 millions per annum in perpetuity. With all this expenditure there has been no real effort to house the working classes. The rents of most of the new houses though fixed far below an economic level are far beyond the means of a labourer. They are occupied by the aristocracy of the working classes and the lower middle classes, the skilled artisan and the clerk. Time after time applicants selected for their suitability to receive the first offer of the new houses have been compelled to decline them on account of inability to pay the rents. And in at least one village it has been impossible to find any tenants at all for the Council's houses at the rents which it is compelled to ask.†

As a solution of our housing difficulties Government achievements are simply derisory. To-day, nearly three years after the Armistice, the shortage is greater than ever. And the indications are that it will grow worse. We need more new houses every year than we did in the first decade of this century when the annual rate of increase exceeded 100,000. Notwithstanding the loss due to the war of the best part of a million of our men of breeding age our population has during the past two years been increasing remarkably. Mr. Alexander gave statistics of this and also of diminished emigration, and continued: It is not only the migration outwards that affects the demand for houses. There is also a constant and equally important migration from place to place within the Kingdom. For many years past there has been a steady flow of population from agricultural to urban areas and the recent abandonment of the war time agricultural policy is bound to promote the movement. There is now another and perhaps even more sinister cause of a flow of population townwards. Reduced output, high wages and consequent high costs of production, the unsettled state of labour and consequent strikes and other industrial circumstances have had unlooked-for consequences in certain industries such as the clothing trade, which have been largely carried on by small occupiers. In an increasing degree these small employers, more particularly in country areas, have been giving up business altogether and the trade hitherto done by them has been passing into the hands of the large manufacturers in the towns; and to the towns the workers are forced to migrate if they do not want to starve; in Scotland especially, the rural population is being most seriously drained through this cause.‡ The magnitude of this internal migration is illustrated by the facts shown by the recent census that during the past decade the growth of the population of England as a whole was only 5 per cent., but the growth of the population of Coventry was over 20 per cent., and of Hendon nearly 45 per cent.** The housing problem is becoming more and more an urban and less and less a rural problem: this fact is one of the few which the Government has not missed and for once it is doing the right thing in confining its future house-building activities to urban areas.

The methods applied to the Government housing policy have been as bad as the policy itself. The demands of the pretentious schemes have been beyond the power of the building industry to supply and the Government has been forcing prices up against itself: hence the extravagant costliness of its houses. The disastrous ship joiners' strike which for eight months paralysed our shipbuilding industry was a direct result of the Government housing policy, for it was due to withdrawal of a bonus originally granted in order to prevent the ship joiners drifting away from the shipbuilding yards to the better paid work of house joiners. The Government endeavoured to get 50,000 ex-service men taken into the building industry and succeeded in obtaining admission for two or three hundred. It has put the building operative in a highly privileged position†† and the fall in wages in this industry has been much less than it has been in other industries and would have been in this industry if it were free. The cost of repairs is still prohibitive, for the operatives whose work is largely repair work demand wages similar to those paid to operatives engaged on new construction; owners therefore have been and are deferring all repairs that are not

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unavoidable.* If report can be believed, the building operative is the most assiduous exponent of restriction of output: so close is the association between State activity and individual idleness.

The elaborate provisions of the Public Health Act, the bye-laws made thereunder and the other Acts regulating the construction of houses have been swept away by the Ministry of Health's Regulations for the Temporary Relaxation of Building Bye-Laws. Damp proof courses may be dispensed with; thatch and other combustible materials may be used for roofing. The walls separating terrace or semi-detached houses need no longer be carried above the roof; narrow roads may be laid out; rooms in London houses need no longer have a minimum height of 8 feet 6 inches as required by the London Building Act, 1894; and flimsy construction that would not have been tolerated a few years ago is now encouraged. Almost the only provisions left intact are those relating to supply of water and drainage.

While wages and the cost of living have been falling, rents have risen, partly through the increases in rates which took place during the early part of the last twelve months, partly through the addition of 10 per cent. to the standard rents in July. The budgets of the rate-levying authorities for 1920-1921 were however prepared before the fall in the cost of materials and wages had begun and were based on costs at the time of preparation; and although relief of the unemployed during the present depression may postpone the fall in rates the future tendency will probably be lower, due chiefly to the decline in costs but partly also to completion of works deferred during the war and carried out during the Armistice period. There is a third cause affecting rates, namely the new duties thrown on local authorities by new legislation and the Government grants in aid; but it is impossible to estimate how these will affect the amounts to be raised.

Rating assessments of restricted houses have not in general been altered. The test usually adopted in fixing rateable values is five-sixths or six-sevenths of the pre-war gross value; the 40 per cent. now added to the rent is omitted in arriving at the gross value. On the other hand the tendency is to rate business premises and unrestricted houses on present rentals, with the result that they bear an unfairly large share, and restricted houses bear an unduly low share, of the total amount required by the levying authority. Assessments for tax are on the same lines. The owner of a house of a standard rent of £60 per annum is still assessed at £50 although the rent he receives is £84. It is well known that the 25 per cent. increase on the standard rent allowed for increased cost of repairs is seldom expended; and the 15 per cent. increase is avowedly an extra return on capital invested. The owner is in fact subsidised at the expense of other taxpayers; he receives a substantially higher net income than before the war; and he loses no rent through empties. The benefit to him, after allowing for remission of tax on the additional income, is probably equal to the full 40 per cent. now added to the standard rent; and with any further substantial reduction in costs and with expiry of the present law and assurance of no further predatory legislation house owning as an investment should ultimately regain its attractions. It is noteworthy that mortgagees have been lending more readily during the past year, attracted by the high interest now obtainable and by the freedom from capital losses which those who have invested in so-called gilt-edged stock exchange securities have suffered. People who lend, however, are of a different class from those who buy, and it is not likely that the confidence of buyers will be restored until years after the restrictions are removed.

Before concluding I propose to look forward. I would prefer to prophesy of the far future, when there could be no reminders of the mistakes which I am about to make, but my subject requires me to forecast less than two years ahead. I think that the fall in prices and wages has been definitely

* Report of London County Council Housing Committee, 14th December, 1920.

† In South Lincolnshire 5s. per week is being charged for cottages which cost £200 to build apart from the cost of the land.

‡ Mr. Griffin (representative of Woodstock) at the Conference of the National Housing and Town Planning Council, 20th July 1921.

§ The loss of births due to the war to the end of 1919 was over 500,000 (estimate in Annual Report for 1919 of the Registrar General) and the loss from this cause presumably will continue.

** Annual Report of Chief Inspector of Factories and Workshops, July, 1921.

†† In Scotland the results are even more remarkable: the general growth of population was 24 per cent., but the growth in one county was 85 per cent.

‡‡ The building operative is necessarily privileged above other manufacturing operatives by reason of his entire immunity from foreign competition.

* With the result of serious unemployment among men engaged in repair and decorative work simultaneously with a great demand for those engaged in new construction; over 15,000 painters have been unemployed at one time during the past twelve months (Ministry of Labour return).

† The Bethnal Green Guardians have increased their precept from £80,000 in 1919 and £90,000 in 1920 to £172,000 in 1921. The recent decreases in London rates are due in some measure to increased assessments and only partly to decreases in the amount spent by the Metropolitan boroughs.

arrested. I do not say that they will not go lower, but I think that any further fall will be at a much slower rate than during the last two months of 1920 and the first half of 1921. If the fall in the cost of living continued at that rate we should by June, 1923, reach pre-war level. Since prices and wages are largely interdependent that would be an impossible position, for with incomes at pre-war level an income tax of 13s. in the £ would have to be levied for pensions and the service of the National Debt.† With the curtailment of Government building and the abandonment of the subsidy to the private builder, prices and wages in the building industry are likely to fall faster than they have yet done. But they will not reach a level by June, 1923, at which 40 per cent. beyond the standard rent will represent an economic rent. Financial considerations will prevent revival of the full Government programme; private enterprise will not have been restored; the shortage will be as acute as ever; and not merely economic rents but scarcity rents will be obtainable. Working class opinion must be conciliated and another Act must be passed limiting the further increases in rent of working class houses which will then become possible.

How long after 1923 the scarcity will continue it is difficult to estimate. For some time houses will be required in greater numbers each year than before the war. It is not likely that the marriage rate will continue at the high level of the past year or two; but it is likely to continue for some time at a higher level than before the war, and it is bound to be reflected in the birth rate. The natural increase of the population will be, therefore, at a much faster rate than during the last inter-censal period. We have no reason to anticipate another epidemic such as the influenza which in the last quarter of 1918 caused an actual decrease in our population, but whose violence quickly abated. Nor need we anticipate another great war or any great increase in emigration. It is reasonable to assume that the increase of population during the present inter-censal period will be not less than the increase during the 10 years preceding the census of 1911‡ which would mean that houses will be required for another 3½ or 4 million people. After making due allowance for destruction of decayed houses§ and conversion of other houses to business purposes, it seems that 100,000 new houses per annum would merely keep pace with the increase in the population and do nothing towards remedying the present shortage.

It is probable that the remedy will be found in rent increases coupled with diminishing wages. We shall reach an equipoise, where supply will balance demand, not so much because of increased supplies as because the demand will be limited by high prices. There will come a time when rents will reach a height above the economic level, and when house building will again become profitable and house owning a good investment. Then we may expect to see a restoration of private enterprise in the building industry, to be followed by a fall in rents to an economic level, and ultimately a state of affairs similar to that prevailing before the "People's Budget," when, with few exceptions, every man could obtain a home suitable to his needs at a rent which he could afford to pay and which was not unfair to the owner.

One of the beneficial results of the war has been a reduction in the spending power of the rich coupled with an increase in the spending power of the poor. Taxation has halved high incomes and the labourer's wages have been more than doubled. The burden of taxation may be lightened and wages may fall further; but the disparity between the high incomes and the low is likely to be much less throughout our time than before the war. This tendency is bound to be reflected in our dwelling-houses. It will be not only the dual palaces that will be given up; the upper middle classes also will content themselves with less commodious homes. In urban areas the conversion of the larger houses into two or three separate tenements will be accelerated and will appreciably relieve the shortage of middle-class houses.

All this will take time. But there is something which could be done at once, and which would expedite the return to normal housing conditions. A Government that has the courage to repeal its own Corn Production Acts, that has the even greater courage to abandon a subsidy in the same month that an Act is passed to authorise its continuance, need not shrink from modifying the last Rent Restriction Act by withdrawing, early in next year's session, the protection given to tenants first protected by the Act of 1920, and six months later, the protection given to tenants first protected by the 1919 Act. In urban areas half these houses would be speedily converted into two or three separate tenements; labour freed from the Government schemes would be usefully employed; the house famine would be appreciably alleviated; and a step would have been taken towards restoring the confidence of the investor and the enterprise of the industry.

There is a lesson for all Governments in the results of these Acts. It is that it is futile to attempt to repeal economic laws. And I think it would be a good plan for once to add to our bureaucracy and to establish, as a civil servant, a professor of economics, to whom all Government Bills should be submitted by the Ministry responsible for them for an opinion as to their economic effects. We have an historical adviser to the Foreign Office; why not an economic adviser to the Cabinet? Such a man, if properly qualified, would save us from many ghastly blunders; he would earn his salary many times over; and he would help us to achieve what should be the aim, not merely of every business man, but also of every lawyer—"More business in Government and less Government in business."

† Mr. McKenna, 28th January, 1921.

‡ The increase from 1901 to 1911 was a little over 3½ millions, equal to 10.89 per cent.; during the previous ten years it was almost exactly the same number, equal to 12.17 per cent.

§ Before the war these exceeded 20,000 per annum.

Companies.

Alliance Assurance Company Limited.

The Directors of this company, at their meeting on the 16th instant, declared an interim dividend at the rate of 6s. per share, less income tax, which will be payable on the 5th January, 1922.

The City of London Solicitors' Company.

On Monday next, the 21st instant, Mr. A. Cecil Caporn (Barrister-at-Law) will lecture at the Guildhall, No. 3 Committee Room, at 5.30 p.m., on "Damages for Breach of Contract."

It is hoped that there will be a large attendance of members, articled clerks and managing clerks.

ARTHUR T. CUMMINGS,
Clerk.

Law Students' Journal.

The Law Society.

FINAL EXAMINATION.

HONOURS.
October 1921.

The names of the solicitors to whom the candidates served under articles of clerkship follow the names of the candidates.

At the Final Examination of candidates for Admission on the Roll of Solicitors of the Supreme Court, the Examination Committee recommended the following as being entitled to Honorary Distinction:—

FIRST CLASS.

FRANCIS CECIL HOWARD, B.A., Oxon. (Mr. William Wallace Hargrove, of the firm of Messrs. Golding, Hargrove & Golding, of London).

SECOND CLASS.

HAROLD PHILIP BUNDY, B.A., Cantab. (Mr. Ralph Fream, of Gloucester).
GEORGE HERBERT LAURENCE EASTERBROOK (Mr. Samuel Herbert Easterbrook, of the firm of Messrs. Kitsons, Hutchings, Easterbrook & Co., of Torquay; and Messrs. Walter Crimp & Co., of London).

EPHRAIM LEVY GREEN (Mr. Edward Arthur Last Smith, of the firm of Messrs. Ridsdale & Son, of London).

PHILIP MAURICE HILL, M.A., Oxon. (Mr. Henry Millican Cleminson, of the firm of Messrs. Botterell & Roche, of London).

EDGAR CUTHBERT HORN (Mr. Douglas St. John Duke, of the firm of Messrs. Holloway, Blount & Duke, of London).

CLIFFORD MORGAN JEREMY (Mr. William Roberts Davies, of the firm of Messrs. W. R. Davies & Co., of Pontypridd; and Messrs. Helder, Roberts & Co., of London).

JAMES ALOYSIUS DIERICK LEONARDT (Mr. Sidney Stuart Guest (deceased), of the firm of Messrs. Thomas, Guest & Pearson, and Mr. George Arthur Charles Pettitt, of the firm of Messrs. Foster & Co., both of Birmingham).

HAROLD JOHN RICH (Mr. Charles Bowen, of the firm of Messrs. de Buristis & Bowen, of London).

ALFRED FRANCIS GERALD RUSTON, LL.B., London (Mr. Hugh De Bock Porter, LL.B., of London).

JAMES RUPERT SMITH-SAVILLE (Sir Lewis Beard, of Blackburn).

VIVIAN ERNEST STEVENS (Mr. Harvey Clifton, of London).

WALTER WILLIAM STRAW (Mr. James Ernest Townshend Ducker, of the firm of Messrs. Moody & Woolley, of Derby).

HERBERT LEONARD WILSON (Mr. Henry Wood Slingsby Grimes, of the firm of Messrs. R. A. Rotherham & Co., of Coventry).

JAMES POWNALL WILSON, B.A., Oxon. (Mr. William Arthur Lupton, of the firm of Messrs. Lupton & Fawcett, of Leeds).

THIRD CLASS.

WILLIAM HENRY FRANCIS BARKHAM (Mr. George Huggins, of the firm of Messrs. Huggins & Williams, of Birmingham).

ERIC MAITLAND BRANDEBOURG (Mr. Arthur Walter Mills, of the firm of Messrs. Mills & Morley, of London).

HARTLEY BROOKS, LL.B., Manchester (Mr. Harry Procter, B.A., LL.B., of the firm of Messrs. Procter & Son, of Burnley).

WALTER AUBREY FOOKS, B.A., LL.B., Cantab. (Mr. Richard Arthur Daw, of the firm of Messrs. Daw & Son, of Exeter).

ERNEST GILES FROST, B.A., Oxon. (Mr. William Frost, of the firm of Messrs. Ranger, Burton & Frost, of London).

ANTHONY HERBERT GARDNER (Sir William Cobbett, of the firm of Messrs. Cobbett, Wheeler & Cobbett, of Manchester).

THOMAS GWYNNE LOWE, M.A., Oxon. (Mr. James Edward Gammes Lawrence, of the firm of Messrs. Colborne, Coulman & Lawrence, of Newport, Mon.).

ARTHUR WILLIAM MAWER (Mr. Theodore Lord, of the firm of Messrs. Wood & Lord, of Manchester).

CHARLES GRAYSON NORRIS (Mr. John Lapage Norris, of Stroud).

HENRY JOHN PETTY (Mr. John Moxon, O.B.E., of Newport, Mon.).

GUY MALLABEY PLASKITT (Mr. William Lovett Plaskitt, M.A., LL.B., of the firm of Messrs. Foss, Bilbrough, Plaskitt & Co., of London).

JOHN EDMUND TORRANCE SMITH (Mr. Thomas Cleghorn Smith, of Berwick-upon-Tweed).

CYRIL RYAN WILLIFORD TINDALL, B.A., Cantab. (Mr. Llewelyn Canadoc Evans of Salford).

JOHN BERNARD CHARLES TRAFFORD (Mr. William Henry Stone, of Exeter).

ERNEST EDMUND WAGSTAFF (Mr. Charles James Band, of the firm of Messrs. Band, Hutton & Co., of Coventry).

LAWRENCE GEORGE WATSON (Mr. William Robey Tucker, of the firm of Messrs. Beckingsale, Greenwood, Tucker & Cross, of London).

WYNFORD THOMAS WILLIAMS, LL.B., London (Mr. Charles Franklyn Rowlands, of the firm of Messrs. Wrentmore & Son, of London).

JOHN LIONEL WOOD (Mr. John Livingstone Wood, of the firm of Messrs. Southall & Co., of Worcester).

THOMAS NORMAN WRENCH (Mr. Arthur James Wardle, of the firm of Messrs. Lowndes, Lloyd, Hilton & Wardle, of Liverpool).

The Council of the Law Society have accordingly given a Class Certificate and awarded the following Prizes of Books:—

To Mr. Howard—The Daniel Reardon Prize—Value about £44; and The Clement's Inn Prize—Value about £18.

To Mr. J. P. Wilson—The John Mackrell Prize—Value about £13.

The Council have given Class Certificates to the Candidates in the Second and Third Classes.

One hundred and sixty-one Candidates gave notice for Examination.

The following candidates (whose names are in alphabetical order) were successful at the Final Examination held on 24th and 25th October, 1921:—

Adams, Owen Phillip	Grocock, Arthur Watson
Arundel, Herbert John	Grylls, Humphrey
Barker, Percy Helaby	Hales, Leslie Frank
Barkham, William Henry Francis	Hall, Ralph Anderson, M.A. Oxon
Batchelor, George Charles	Harley, Thomas Winlack
Batchelor, Hubert Walters	Hedderwick, Norman Stanley
Beever, Cecil Thomas Ashworth	Hesketh, Frank
Bell, Robert Storry	Hill, Philip Maurice, M.A. Oxon
Bennett, Thomas Gerald	Hodge, Hubert Rowan
Berry, William George	Hodges, Philip James
Bilson, Richard Alfred Leicester	Horn, Edgar Cuthbert
Bishop, Raymond Selby	Howard, Francis Cecil, B.A. Oxon
Blanchard, Victor, LL.M. Sheffield	Hull, William
Brandebourg, Eric Maitland	Isard, Oswald Clark
Brooks, Hartley, LL.B. Manchester	Jackson, Griffith Arthur Jones,
Buckle, Francis Danna	B.A. Cantab.
Bundy, Harold Philip, B.A. Cantab.	Jeremy, Clifford Morgan
Burnett, Leigh Mathieson	Johnstone, George Frederic
Chandler, Harry	Jones, Salisbury
Collis, Herbert Charles Clive	Kelly, John Bradshaw
Corlett, Alfred Lingham	Lakeman, Harold Frank, B.A.
Cotter, Frederick Peter	Oxon
Crane, Harold Edward	Leonard, Robert
Crane, Stanley Howard Eldred	Leonardt, James Aloysius Dierick
Creery, Leslie	Lewis, Robert Henry
Cammins, William Ashley, B.A.,	Limbrey, Percy Walter
LL.B. Dublin	Llewellyn, Lewis John
Davidson, James Tisdall	Lowe, Thomas Gwynne, M.A.
Davies, David Ernest, M.A. Oxon	Oxon
Davies, Hubert Maxwell	McLellan, Alastair
Davies, Owen Gilbert Jehu	*Mathison, Frederick George Leslie
Dean, Ernest Norman	Mawer, Arthur William
Dolman, Frederick William	Mitchell, George Ogilvie
Dudding, Arthur Norman	Mosby, David Pliny
Dyer, Walter	Neave, James Stephen
Dyson, William Howard	Norris, Charles Grayson
Easterbrook, George Herbert	Pacy, James Gordon Reay
Laurence	Painter, Roland William Andrew
Edwards, Richard Davied, B.A.	Parkin, William Charles
Oxon	Petty, Henry John
Evans, Francis Alfred	Plaskitt, Guy Mallabey
Evans, John Rees	Playne, Francis Clifford
Facey, William Henry	Pooley, John Wignall
Fairs, Percy William	Powis, Harold
Fisher, Stanley Joseph	Prendergast-Arnold, George
Fooks, Walter Aubrey, B.A., LL.B.	Anthony, B.A. Oxon
Cantab.	Reason, David Jordan
Frost, Ernest Giles, B.A., Oxon	Rees, David Edmunds
Gardiner, Geoffrey Baring	Rich, Harold John
Gardner, Anthony Herbert	Richardson, Edwin
Geard, Edmund	Ruston, Alfred Francis Gerald,
Gilshenan, Christopher Leonard	LL.B. London
Patrick	Siddons, Walter Boulton, LL.B.
Gough, William	Sheffield
Gouty, Allison Howard, B.A.	Simpson, Cyril Marmaduke
Oxon	Smith, Harry Edgar, B.A. Cantab.
Green, Ephraim Levy	Smith, John Edmund Torrance
Griffiths, Robert Trevor	Smith-Saville, James Rupert

IMPORTANT ANNOUNCEMENT.

MESSRS.

HILLIER & PARKER

99, REGENT STREET, W.1,

beg to announce that they have amalgamated with their practice that of MESSRS.

MAY & ROWDEN,

27, MADDOX STREET, W.1,

and that the future style of the firm will be

MESSRS.

HILLIER, PARKER, MAY & ROWDEN.

Mr. P. STANLEY MAY is retiring from daily practice, but is remaining in an advisory capacity for the benefit of his Clients.

Messrs. Hillier & Parker are moving their LONDON, SUBURBAN and AUCTION Departments to 27, Maddox Street, on Monday next, the 21st inst. The PROVINCIAL Department will still be conducted from 99, Regent Street, W. The personnel of the two practices will remain unchanged.

Messrs. HILLIER, PARKER, MAY & ROWDEN

will continue to devote special attention to

SHOP AND BUSINESS PROPERTY.

Stevens, Vivian Ernest
Straw, Walter William
Thomas, George Gale
Thomson, Walter Alexander
Tindall, Cyril Ryan Williford, B.A.
Cantab.
Trafford, John Bernard Charles
Wade, Edwin George Bathurst
Wagstaff, Ernest Edmund
Wallace, George
Watson, Cyril Howard
Watson, Lawrence George
Whitley, Charles Lawson
Whitehead, Marcus John, LL.B.
Sheffield

Whiting, Frederick Charles
Williams, Ernest Morgan
Williams, William Clarence
Williams, Wynford Thomas, LL.B.
London
Wilson, Herbert Leonard
Wilson, James Pownall, B.A. Oxon
Wilson, John Alan
Winner, Aubrey Beaufoy
Wood, John Lionel
Wood, Philip
Wrench, Thomas Norman
Wright, Robert Henry
Younger, Vernon

*This candidate has still to pass in Trust Accounts and Book-keeping before a Final Certificate can be issued to him.

No. of Candidates - - 161 Passed - - 130

INTERMEDIATE EXAMINATION.

The following candidates (whose names are in alphabetical order) were successful at the Intermediate Examination held on 26th and 27th October, 1921. A candidate is not obliged to take both parts of the Examination at the same time.

FIRST CLASS.

Barefoot, Beryl Edith Rotherham
Chapman, Thomas Herbert

Harvey, Donald
Rollison, Norman

PASSED.

Amphlett, Anna Lloyd
Bannister, Edward William Thorn
Barfield, Edward Charles George
Berthen, Edith Annie Jones, M.A.
London
Booth, Robert
Bullen, Tempest Carey
Burke, John Holme FitzGerald
Canton, William Arthur Trevor
Clowes, Walter
Dale, Raynard William
Davies, Frank Wynne

Day, Gilbert
Day, John Bigland
De Mesquita, Joseph Herbert Bueno
Dodda, William Oswald Archbold
Downey, Annie Doris
Earle, George Henry Strawbridge
Entwistle, Edward Adonikam
Evans, Edward Parry
Foxcroft, Robert Bentley
Garrett, Harold
Gibson, Christopher Charles
Gowman, Herbert

Greenwood, Herbert George
Hannaford, William Osborne
Harris, Robert Mackiver
Hicks, Harold William
Hobson, Henry John
Holder, Charles
Howden, Harold Andrew
Huxley, Arthur George
Jackson, Harold
Jewers, Stephen Arthur
Johnson, Fred
Laurence, Philip Henry
Lawton, Harold Ernest Hipkins
Lewis, Rupert Robert
Mann, William Henry
Maylam, Robert Clark
Meachin, Willoughby
Meates, Ronald Henry Crossley
Moore, Edward Galbraith
Moore, Wilfred Hugh
Munro, Hector Alfred
Newton, Alfred
Ogilvie, Charles Edward
Pearce, Claude William Frederick
Richardson, Ernest

The following candidates have passed the Legal portion only:—

Adams, William Eric
Ashworth, Reginald
Bamlet, Geoffrey Ambrose
Barlow, Robert Henry
Beatty, Charlotte Maud, B.A.
London.
Betts, Claude Frederick
Betts, William Henry
Bland, Dennis Farnworth
Braithwaite, Harold Ernest
Brett, Ronald Dallas
Briggs, Alfred Herbert
Chapman, Edward Collingwood
Clay, John
Coulman, Edward Raymond
Cousin, Arthur
Critchley, William Jardine
Cruickwell, Cecilia May
Dann, Sydney William Henry
Davies, William King
Douglass, James Heger Wingfield
Ensor, William Alexander
Fanner, Robert William Hodges
Goodway, Leslie Redver
Gough, Ernest William
Gray, William Duncan
Gunnell, John Henry
Hadley, Walter
Hare, Henry Lancelot
Hargrave, John William Richardson
Harrold, Philip Henry
Hillman, Rex Anthony Edward
Hodgson, Gordon Leonard
Hoole, Arthur Neville
Hore, Spencer Charles Henry
Ibberson, Herbert
Ingram, Edith Lilian
Irons, Arthur Edwin
Jackson, Harry
Jackson, John Kenneth
Jeffries, Francis Bernard
Jeffs, Percy Edgar
Jones, Henry Neden
Kemlo, Henry Archibald
King, Eric Enerby
Knott, Arthur Outhwaite
Layne, Philip Standing
No. of Candidates - - 227

The following candidates have passed the Trust Accounts and Book-keeping portion only:—

Baker, Harry Albert Justin
Baker, Thomas Henry Morton
Batterbee, William John
Beech, Ernest Bolitho
Blincove, Frederick William
Boodle, Wilfred Andrew Carmichael,
B.A. Oxon

Roberts, Charles Nightingale
Roots, Reginald
Royal, Howard
Ryan, Henry
Scott, William Astley Heaketh
Shea, Ivor William
Sheppard, Bertram Edward
Sidebotham, Harold
Skelts, Alfred
Smith, Frederick
Smith, Frederick James
Smith, Harry
Somers-Clarke, Ernest Hugh
Stevens, Geoffrey Howard
Temple, Ernest
Tomkins, Harold Brockett
Walker, Stephen
Welman, Robert George
White, Godfrey McBean
Whitfield, John Frank
Williams, Edward Arthur
Williams, John Hywel
Wylde, Joseph Ronald
Yates, Frederick Charles
Zaiwalla, Ratanshaw Bamanji
Lester, Norman
Lowe, George Cecil
McArthur, Thomas
McGahey, Robert James
Mawson, Horace Willis
Meades, George Albert
Mealand, Walter John
Mellerah, Robert Patrick Clive
Mills, Frederick
Minshull, George Botterell
Morris, Joseph Edmund
Neave, Margaret Irene
Nesbitt, Frederick Robert Seager
Oldfield, Albert Reginald
Padley, Augustus Theodore
Page, Charles Edward
Pawsey, Thomas Arthur
Perkins, Arthur Benjamin
Pettersen, Jack Kilner
Porter, Eric Chapman
Porter, Richard George
Primett, Ronald Murray
Rider, Thomas Sampson
Roberts, Ronald Richard Pickering
Robinson, Henry James
Rothery, James Stewart
Sheppard, Joseph Samuel
Silvester, Norman Garlick
Smith, John Andrew
Smith, Leo
Spyer, Gerald Douglas
Stacpole, George Wentworth
Stone, Francis George
Sugden, William Alfred
Taylor, Rupert
Teal, Cyril Lovett
Tibbitts, Charles John, B.A. Oxon.
Vale, Eustace Douglas
Wadeson, Ralph Archibald
Walker, Clifford Sydney
Wheeler, William Edward Cecil
Whiteway, Alfred John Ray
Williams, Norman Gloster
Williams, William Edward
Wilmore, Tom Lawson
Wilson, Frank
Wilson, Henry

Bower, William
Bratt, Eric Victor
Brown, John
Brown, William Ewart
Buckley, Arthur Serle
Burr, Cecil Rudolph
Carpenter, Arthur Boville

Chadwick, Francis Claude Basil
Chesher, Leslie Herbert
Chester, Robert Charles, B.A.
Cantab.
Chorley, Francis Edward
Clark, Alan Edwin Nelham
Collinge, Frederick John
Cooke, Reginald Garforth, B.A.
Manchester
Davey, Leonard Godfrey
Davies, Ernest Seymour
Davies, George Bamford
Dawe, William John
Dickson, John Charles Oswald
Dixon, Clive
Dixey, John Henry
Donnell, Henry Francis Clappé
Drewett, Richard John
Elgie, Robert Lancelot
Elwig, Henry James Cecil
Emerson, John Cyril
Evans, Evan Ingram
Evans, John Rees
Ewins, Morley Albert
Ferguson, Archibald John Lindo
Ferrier, Richard Gournay
Fletcher, Eric George Molyneux
Ford, Hilda
Foster, Thomas Gilbert
Fowler, Thomas
Frodaham, James Osmond
Garrett, Henry Francis
Gilbert, Walter
Goldstraw, James Bertram
Gray, Vivian Seaton
Green, Ernest
Griffiths, William Thomas
Harrison, George Beaumont
Hart, Percival Henry
Heap, Walter
Herbert, Kenneth Sharpley
Hodgkinson, John, B.A. Oxon
Houseman, David
Howgate, John
Howson, Fred
Hughes, Clifford Bowen
Hull, Gilbert Edmund
James, Watts Dudley
Jenkins, Hugh
Jones, Cecil Elmore
Jones, Thomas Robert
Kirkup, George Robson
Lansdell, Frederick Charles
Large, William Edward Agg
Letchford, Thomas Philip
Lee, William
Lillie, Arthur Patrick
Marris, Philip Colquhoun

No. of Candidates - - 239 Passed - - 200

By Order of the Council,

Law Society's Hall,
Chancery Lane, London, W.C.2,
11th November 1921.

E. R. Cook,
Secretary.

Obituary.

Sir Edward Fraser.

Sir Edward Henry Fraser, who was four times Mayor of Nottingham, died on the 9th inst., at his residence, Wellington House, Nottingham. Sir Edward had been in failing health for a number of years.

Born in 1852, Sir Edward was articled in 1857 to the late Mr. J. T. Brewster, solicitor, of Nottingham, under whom he acquired a sound legal training. At the early age of twenty-one he was admitted a solicitor, and commenced to practise on his own account. He took a leading part in the establishment of the Nottingham Incorporated Law Society, was appointed its first honorary secretary, and elected president in 1892. He had also held the position of extraordinary member of the Council of the Law Society.

His public life dated from his election to the Board of Guardians in 1873 in Nottingham. In 1876 he entered the Town Council as a member for the old Park Ward. When the borough was extended a year later, and the wards were rearranged, he failed to secure election for Wollaton Ward but Sherwood Ward chose him in 1878, and renewed its confidence in him triennially until in 1889 he was appointed to the aldermanic bench.

THE MIDDLESEX HOSPITAL.

WHEN CALLED UPON TO ADVISE AS TO LEGACIES, PLEASE DO NOT
FORGET THE CLAIMS OF THE MIDDLESEX HOSPITAL,
WHICH IS URGENTLY IN NEED OF FUNDS FOR ITS HUMANE WORK.

Throughout the long stretch of thirty-five years, says the *Nottingham Guardian*, Sir Edward devoted himself with unremitting zeal to the interests of the municipality, and his services to the community were more than once recognised by the conferment of special marks of distinction. The Council itself paid honour to him by electing him a Sheriff in 1884, and by appointing him as Mayor for three years in succession from 1896 to 1899, the distinction thus falling upon him of being the only Mayor to occupy the position three complete years consecutively during 600 years. Sir Edward thus occupied the Mayoral chair in the Diamond Jubilee year of Queen Victoria, and in acknowledging the thanks of the Council for the manner in which he had filled the office during that period he explained the meaning of the charter granted by Her Majesty raising the town from the legal position of borough to that of city. Nottingham had, he said, gradually changed from an ordinary country town to a great commercial city, and the grant of the title sealed with the Royal approval their claim to be regarded and recognised as one of the first cities of the British Empire. Sir Edward's fourth period of the occupancy of the civic chair was in 1910-11, during which the Coronation of King George took place.

During his Mayoralty in 1897 he gave a civic welcome to the Church Congress, and the following year the then Archbishop of Canterbury (Dr. Temple) conferred upon him the degree of D.C.L. More notable recognition still came in the honour of knighthood in June, 1908, a signal mark of appreciation of his labours. His grasp of affairs, his business acumen, and his sound judgment, made him for several years perhaps the greatest force in the Corporation. As the leader of the Liberal party, when the Liberals held the majority, his was the voice which virtually controlled the Council's policy, and his mastery of municipal government and wide experience were of extreme benefit to the community. The passing of power into the hands of his political opponents led to his relinquishing to some extent the prominent position he once held, yet, by general consent, he continued to act as chairman of the General Purposes Committee, the consultative authority, or perhaps one should say, the Court of Appeal of the Council. As the local "chancellor of the exchequer" for thirteen years, Alderman Fraser maintained a firm grip of the city's finances, and at the time when the city was becoming heavily burdened with debt he frequently strongly impressed the Council with the necessity of restraining expenditure.

Nor were his activities confined either to the civic life of Nottingham or to municipal government generally. A member of the Derwent Valley Water Board since its formation, he was eventually marked out for the chairmanship of that important body, and it was his hand that performed the historic ceremony of inaugurating the vast undertaking which partially supplies Nottingham, Sheffield, Leicester and Derby with water.

He was appointed to the Commission of the Peace in 1895, and for eight years occupied the responsible position of chairman of the Licensing Committee. For some time he was chairman of the Nottingham Branch of the Church of England's Men's Society.

Always taking the deepest interest in educational work, he was a Governor of the Nottingham University College, and for many years he was associated with the Nottingham High School. He was a trustee of many local charities, was a Commissioner of Land Taxes for the county, and an Assistant Commissioner of Income Tax.

In January, 1901, he joined the Board of Directors of the Great Central Railway Company, and he was also a director of numerous other companies, including the Nottingham and Notts Bank and the Royal Exchange Assurance Company.

As a Liberal Sir Edward Fraser twice sought Parliamentary honours, but without success. His first venture was in opposition to the late Mr. Edward Bond in East Nottingham in 1900, when he was beaten by a majority of 779. In 1905 he declined an invitation to contest the Melton Mowbray Division, and in 1910 he was defeated at Kidderminster. As an expression of personal esteem, a handsome presentation was made to him by Kidderminster Liberals, the gift consisting of a solid silver inkstand suitably inscribed and a silver candelabra.

It was in November, 1912, that Sir Edward Fraser, on account of pressure of business, retired altogether from the City Council, having served as an alderman for twenty-three years out of the thirty-five he was a member. The loss which the municipality suffered thereby was adequately expressed when the honorary freedom of the city was presented to him, an honour which previously had only been conferred upon three other persons—the late Sir Charles Seely, the late General Booth, and the late Sir Samuel Johnson. The address was enclosed in a silver casket of mediæval design, weighing 128 ounces, and on behalf of the citizens, Sir Edward's portrait, by Arnesby Brown, was received by the Mayor to be hung in the Guildhall, a replica being presented to Sir Edward.

Sir Edward married in 1877, Jane, daughter of the late Mr. Chas. Keightley, of Nottingham, and his widow, one son and three daughters survive him.

Mr. H. L. Fraser.

Mr. HARRY LACY FRASER, an old and a skilled law reporter, says *The Times*, died at his house in Telford-avenue, Streatham Hill, last Saturday, after a short illness. Mr. Fraser served *The Times* in the Chancery Division for a long period with the diligence and accuracy which were characteristic of his reporting for more than forty years. Law reporting as it was known when he began on it was very different from what it is to-day. He was one of an old school, whose members were taught to regard their task with a sort of monastic reverence, and at the same time with a consciousness that they were present in court to see that the judge never made a lapse in law. He remembered the days when judicial discursiveness was not a common failing as it is in these times; and in the mild, smooth voice of protest which his colleagues will long recall, he would express despair of making a really artistic report of modern considered judgments. He wrote the hand of the equity draughtsman and conveyancer that he was, and his Key and Elphinstone abbreviations were the terror of the present day printers.

The Chancery mind was his. It had no dealings with the Common Law Courts, save when he strayed thither out of duty to make his admirable bankruptcy reports. In such a tribute as this it is usual to begin by stating a man's age. Fraser had an old-fashioned air, but it was not every one who would believe that he became a student of Lincoln's Inn at the age of twenty years in 1865. He was called to the Bar in 1870, after he had graduated at St. Peter's College, Cambridge, where he took the LL.B. When he had been at the Bar for four years he married Clara, the second daughter of the Rev. F. H. Maude, vicar of Holy Trinity, Ipswich, who pre-deceased him. Mr. Fraser leaves two sons and four daughters.

Mr. Walter Slater.

Mr. WALTER SLATER, of Rectory-place, Loughborough, senior partner in the firm of Slater & Brunton, died on 31st October, aged 76. Admitted in 1886, Mr. Slater acted for many years as solicitor to the Loughborough Building Society, and for several years served on the Committee of the Leicester Law Society.

Mr. Charles James Smith.

Mr. Charles James Smith, of 5, Fenchurch-street, E.C., a member of the firm of C. J. Smith and Hudson, died on the 13th inst., aged 68. Mr. C. J. Smith was admitted in 1883, and had been since 1913 a member of the Court of Common Council.

Professional men, and indeed all book lovers, should house their books in the "OXFORD" Sectional Bookcase, the best made, handsomest, and least expensive of all high grade sectional Bookcases. Illustrated catalogue gratis from sole Proprietors and Manufacturers, William Baker & Co., Ltd., Library Specialists, Oxford.—[ADVT.]

THE LICENSES AND GENERAL INSURANCE CO., LTD.,

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Suitable Clauses for Insertion in Leases and Mortgages of
Licensed Property settled by Counsel will be sent on application.

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Legal News.

Appointments.

His Honour Judge Sir Walworth Howland Roberts, C.B.E., Judge of Marylebone County Court, will retire on 15th November, after twenty-one years' service, and in consequence the Lord Chancellor has made the following appointments, which will take effect on 16th November:—His Honour Judge SCULLY to Circuit 43 (Marylebone); His Honour Judge PARFITT to Circuit 41 (Clerkenwell); His Honour Judge CANN to Circuit 50 (Sussex); Mr. H. DORR to be the Judge of the County Courts on Circuit 20 (Leicester, &c.).

VALUATIONS FOR INSURANCE.—It is very essential that all Policy Holders should have a detailed valuation of their effects. Property is generally very inadequately insured, and in case of loss insurers suffer accordingly. **DEBENHAM STORR & SONS (LIMITED)**, 26, King Street, Covent Garden, W.C.2, the well-known chattel valuers and auctioneers (established over 100 years), have a staff of expert Valuers, and will be glad to advise those desiring valuations for any purpose. Jewels, plate, furs, furniture, works of art, bric-a-brac a speciality.—[ADVT.]

Court Papers.

Supreme Court of Judicature.

		ROTA OF REGISTRARS IN ATTENDANCE ON			
		EMERGENCY	APPEAL COURT	MR. JUSTICE	MR. JUSTICE
		ROTA.	No. 1.	EVANS.	PETERSON.
Monday	Nov. 21	Mr. Hicks-Beach	Mr. Sygde	Mr. Sygde	Mr. Garrett
Tuesday	.... 22	Jolly	Bloxam	Garrett	Syngde
Wednesday	.... 23	More	Hicks-Beach	Syngde	Garrett
Thursday	.... 24	Syngde	Jolly	Garrett	Syngde
Friday	.... 25	Garrett	More	Syngde	Garrett
Saturday	.... 26			Garrett	Syngde

		MR. JUSTICE	MR. JUSTICE	MR. JUSTICE	MR. JUSTICE
		SARGANT.	RUSSELL.	ARTBURY.	P. O. LAWRENCE.
Monday	Nov. 21	Mr. Hicks-Beach	Mr. Bloxam	Mr. More	Mr. Jolly
Tuesday	.... 22	Bloxam	Hicks-Beach	Jolly	More
Wednesday	.... 23	Hicks-Beach	Bloxam	More	Jolly
Thursday	.... 24	Bloxam	Hicks-Beach	Jolly	More
Friday	.... 25	Hicks-Beach	Bloxam	More	Jolly
Saturday	.... 26	Bloxam	Hicks-Beach	Jolly	More

Winding-up Notices

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

CREDITORS MUST SEND IN THEIR CLAIMS TO THE LIQUIDATOR AS NAMED ON OR BEFORE THE DATE MENTIONED.

London Gazette.—FRIDAY, November 11.

THE KENTISH SHIPBUILDING & ENGINEERING CO. LTD.
Dec. 15. A. O. Nicholson, Salisbury-house, London Wall, E.C.2.
RAVENHEAD INCANDESCENT GLASS AND GAS LIGHT CO. (ST. HELENS) LTD.
Dec. 20. H. W. Bowler, 30, North John Street, Liverpool.
BURNERS LTD.
Dec. 17. T. B. Scattergood, 125, Edmund-st., Birmingham.
THE RUGBY TOWN HALL CO. LTD.
Nov. 30. R. E. W. Hawksley, 30, Dunchurch-road, Rugby.
INFECTO LTD.
Dec. 31. H. J. de Courcy Moore, 2, Gresham-buildings, E.C.2.
S. V. NEVILL & CO. LTD.
Nov. 28. W. H. Cork, 19, Eastcheap.
W. D. ODY & CO. LTD.
Dec. 24. John Gordon, 7, Bond-place, Leeds.
INTERNATIONAL HACK-SAW CO. LTD.
Dec. 23. J. P. Duxbury, 27, Richmond-terrace, Blackburn.
MASSEY & WINBURY LTD.
Dec. 5. E. D. Basdon, 73, Basinghall-st.
OSNETT & DISTRICT ALLOTMENTS SOCIETY LTD.
Dec. 10. Harold Appleyard, Prudential Buildings, Market-place, Dewsbury.

Resolutions for Winding-up Voluntarily.

London Gazette.—FRIDAY, November 11.

The Southern India Rubber London Reform Funeral Co., Ltd.
Lloyds Composition Co. Ltd.
Straghan & Johnston Ltd.
Jackson, Hartley & Jackson Ltd.
Allagar Rubber Estates Ltd.
Bagshaw Brothers Ltd.
Anglo-United Oilfields Ltd.
Doubleday's Ltd.
The Cinematography Co. Ltd.
Hallowes Golf Club Co. Ltd.
W. G. C. Hayward & Co. Ltd.
Hoads (Electrical) Ltd.
Langham Studio Ltd.
H. S. Productions Ltd.
T. E. Youmans & Sons Ltd.
Miller Institute Ltd.
The Exeter House & Land Co. Ltd.
G. H. Birch & Co. Ltd.
Surrey Livestock Co-Operative Society Ltd.
Robert & Henry Adams Ltd.
The Preston & District Chippers' Trading Society Ltd.
The Preston & District Chippers' Trading Society Ltd.

Bankruptcy Notices.

RECEIVING ORDERS.

London Gazette.—FRIDAY, Nov. 11.

ANDREWS, JOSEPH W., Symonds Yat, Newport (Mon.)
Pet. Nov. 9. Ord. Nov. 9.
BALL, WILLIAM, Utkinson, Cheshire. Nantwich. Pet.
Nov. 8. Ord. Nov. 8.
BALL, WILLIAM, the Younger, Utkinson, Cheshire. Nantwich.
Pet. Nov. 8. Ord. Nov. 8.
BARSBY, EDWARD S., Leicester. Leicester. Pet. Nov. 9.
Ord. Nov. 9.
BENNETT, BERNARD, Bolsover, Derby. Chesterfield. Pet.
Nov. 7. Ord. Nov. 7.
BRERRELL, ANNE, Dolgoed-og-Mydrim. Carmarthen. Pet.
Nov. 8. Ord. Nov. 8.
BIANCHI, MORITZ K., Frith-st., Soho. High Court. Pet.
Sept. 30. Ord. Nov. 8.
BICKLEY, JOHN, Wouford, Exeter. Exeter. Pet. Nov. 9.
Ord. Nov. 9.
BROOKES, THOMAS, Wolverhampton. Wolverhampton. Pet.
Nov. 8. Ord. Nov. 8.
CARDHILL, MARGARET, Babbacombe. Exeter. Pet. Oct. 21.
Ord. Nov. 9.

COCKRELL, HORACE L., Norwich. Norwich. Pet. Nov. 9.
Ord. Nov. 9.
COOPER, ERIC T., Lynton. Barnstaple. Pet. Oct. 13. Ord.
Nov. 9.
CORFIELD, CHARLES R., Wilmslow. Manchester. Pet.
Oct. 10. Ord. Nov. 7.
CROUCH, GEORGE W., Coventry. Coventry. Pet. Nov. 8.
Ord. Nov. 8.
DAVIES, DAVID T., Reading. Reading. Pet. Nov. 8. Ord.
Nov. 8.
DOREY, HENRY G., Beaufort, Mon. Tredegar. Pet. Nov. 7.
Ord. Nov. 7.
ELLISON, JOHN S. E., Southtown. Great Yarmouth. Pet.
Nov. 7. Ord. Nov. 7.
FENDALL, JOHN, West Bromwich. West Bromwich. Pet.
Nov. 7. Ord. Nov. 7.
FOWLE, GEORGE, Sunderland. Sunderland. Pet. Oct. 24.
Ord. Nov. 7.
FRANKLIN, WILLIAM B., Willand, Devon. Exeter. Pet.
Oct. 22. Ord. Nov. 9.
FRIPP, WILLIAM H., and FRIPP, ELIZABETH, Birmingham.
Birmingham. Pet. Nov. 7. Ord. Nov. 7.
GARDNER, PHILIP, Piccadilly. High Court. Pet. July 8.
Ord. Nov. 5.
GREEN, EDMUND, Willerby. Kingston-upon-Hull. Pet.
Nov. 7. Ord. Nov. 7.
GREENWOOD, CHARLES J., Harrogate. Harrogate. Pet.
Nov. 7. Ord. Nov. 7.
HEAP, JAMES A., Moore, Chester. Warrington. Pet. Oct. 21.
Ord. Nov. 7.
HEATHCOTE, HARRY, Sheffield. Sheffield. Pet. Nov. 8.
Ord. Nov. 8.
HEATHER, ALFRED F., Windsor. Windsor. Pet. Nov. 8.
Ord. Nov. 8.
HOWORTH, THOMAS, Ashton-in-Makerfield. Wigan. Pet.
Nov. 7. Ord. Nov. 7.
JEFFCOTT, FREDERICK T., Dordon, near Tamworth.
Birmingham. Pet. Nov. 7. Ord. Nov. 7.
JONES, MORGAN L., Pimlico. High Court. Pet. Aug. 15.
Ord. Nov. 9.
LEA, H., Leyland. Preston. Pet. Oct. 19. Ord. Nov. 8.
MACPHERSON, ALEXANDER, Tonge, Bolton. Bolton. Pet.
Oct. 19. Ord. Nov. 9.
MCCONNELL, DAVID, Westbourne Park. High Court. Pet.
Oct. 7. Ord. Nov. 9.
MILNER, FRED, Hipperholme. Halifax. Pet. Nov. 8. Ord.
Nov. 8.
NEWSON, CHARLES R., Lincoln. Lincoln. Pet. Nov. 5.
Ord. Nov. 5.
OWEN, JOSEPH, Greenwich. Greenwich. Pet. Nov. 7.
Ord. Nov. 7.
PHILLIPS, JOHN H., Wivelscombe. Taunton. Pet. Oct. 22.
Ord. Nov. 7.
PHILLIPS, THOMAS G., Aberberg. Tredegar. Pet. Nov. 7.
Ord. Nov. 7.
READON, JOHN J., Merthyr Tydfil. Merthyr Tydfil. Pet.
Nov. 9. Ord. Nov. 9.
ROBINSON, FRED E., Kingston. Kingston-upon-Hull. Pet.
Nov. 5. Ord. Nov. 5.
SIMPSON, JOSEPH J., Walmer. Canterbury. Pet. Nov. 8.
Ord. Nov. 8.
SMITH, THOMAS S., Manchester. Manchester. Pet. Nov. 7.
Ord. Nov. 7.
THOMAS, DAVID N., Swansea. Swansea. Pet. Sept. 14.
Ord. Nov. 9.
TURNER, ARTHUR, Dawley, Salop. Shrewsbury. Pet.
Oct. 26. Ord. Nov. 9.
WAINSTEIN, S., Piccadilly. High Court. Pet. Oct. 17.
Ord. Nov. 7.
WALTON, ALFRED, Longton. Hanley. Pet. Nov. 7. Ord.
Nov. 7.
WITTELTON, WILLIAM, Great Grimsby. Great Grimsby.
Pet. Nov. 8. Ord. Nov. 8.

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